Air transportation is an integral part of the lives of millions of Americans, and we must do everything in our power to ensure that it is as safe as we can possibly make it.

We must do everything in our power to prevent future tragedies like the one that occurred last night.

My prayers are with the families and friends of the people aboard TWA flight 800.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—98

Abraham	Ford	Mack
Akaka	Frahm	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hollings	Robb
Campbell	Hutchison	Rockefeller
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	

NOT VOTING—2

Bradley	Hatfield

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

Mr. SANTORUM. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The Senate continued with the consideration of the bill.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 4901

(Purpose: To ensure that welfare recipients are drug-free as a condition for receiving welfare assistance from the American taxpayers)

Mr. ASHCROFT. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 4901.

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

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

The amendment is as follows:

Strike existing Section 2902, and replace with the following:

''SEC. 2902. SANCTIONING WELFARE RECIPIENTS FOR TESTING POSITIVE FOR THE USE OF CONTROLLED SUBSTANCES.

Notwithstanding any other provision of law, States shall randomly test welfare recipients, including recipients of assistance under the temporary assistance for needy families program under part A of title IV of the Social Security Act and individuals receiving food stamps under the program defined in section 3(h) of the Food Stamp Act of 1977, for the use of controlled substances and shall sanction welfare recipients who test positive for the use of such illegal drugs.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I understand the distinguished Senator from Missouri will agree to 15 minutes and Senator KENNEDY, in opposition, to 15 minutes. I ask unanimous consent that there be 15 minutes on each side for a total of 30 minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. And I ask unanimous consent that there be no second-degree amendments.

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

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I wonder if we could get some indication, while the managers are here, of what is going to transpire for the remainder of the evening, perhaps tomorrow.

Mr. ASHCROFT. Madam President, I ask unanimous consent that this not be deducted from the time on the amendment.

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

Mr. DOMENICI. That was understood, but we will be glad to agree.

I say to Senator CHAFEE, we have 28 Democratic amendments and 22 Republican amendments. We have not had a chance to go through and see if there are significant numbers that we could agree to accept. So for now we are in business until we get to talk with our leader and see what he wants to do. We will take this amendment and use that time to see what we can give the Senator by way of assurance. There are a lot of Senators who have things planned for this evening, but I think the leader made it clear that we want to try to finish this reconciliation bill by a time certain, and we are nowhere close to that. So for now, the best I can do is say let us wait for at least 30 minutes and then try to give you a more concrete answer.

I thank Senator ASHCROFT for yielding.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, the debate over the provisions before us today represents an opportunity to change the way we view welfare in this country. The question is simple: Will we continue to allow Federal assistance to be a way of life?

That is the fundamental choice we face. Will we see welfare as the intergenerational problem that it is, or will we continue to fund this failure, this dependence?

There are a number of things in this bill that would help us make sure welfare is no more than a transition. We put time limits on welfare, for instance. But if we really want to move people from dependence to independence, if we want individuals to move from welfare to work, if we really want individuals to change their behavior, I think we ought to be asking people to display a set of behaviors which readies them for the real world.

If you want to be part of the working world, you ought to be drug-free. When you go to work in the private sector, this is the standard. As the chart behind me indicates, even in small firms with 1 to 500 employees, 62 percent test for drugs. Similarly, 88 percent of all firms employing over 10,000 people in America require drug testing.

Now, I ask a simple question: What good does it do for us to allow people to remain on drugs if they have little or no capacity to be placed in the private sector? If you are on welfare, you should be off drugs. Period.

That is the point that I make, that the American people should not be asked to spend their hard-earned resources supporting the drug habits of uninterested addicts. Under my amendment, each State would be required to create a random drug-testing program as well as sanction those individuals who test positive.

It does mandate that the States require drug testing. No question. It is time, however, for us to stop funding the drug habits of individuals who have no intention of working toward a job.

I am pleased, then, to send this amendment to the desk, and to say to

those individuals who are on welfare, it is time to move from dependence to independence and opportunity. I reserve the balance of my time.

Mr. KENNEDY. Madam President, I yield myself 10 minutes.

Madam President, I listened with interest to the presentation made by the Senator from Missouri regarding his amendment. I bring to the attention of the membership that the amendment says ''notwithstanding any other provision of law, States shall''—not may, but ''shall''—''shall test welfare recipients.'' So, effectively this is a mandate. The Senator has not commented about how much money these tests would cost and who would pay for them. We heard a good deal earlier this year about unfunded Federal mandates. Well that's what this amendment is. This amendment says that the States shall undertake this activity.

Now, if the Senator offered an amendment to provide that the Governors, or the State legislatures and the Governors, may do this, I might urge the Senate to support it. I might support giving States the discretion to test, within constitutional limits, provided that they comply with the HHS guidelines which ensure maximum accuracy and appropriate safeguards.

But the Senator says we will not leave this matter up to the States. We will not let the Governors make a decision or judgment about this. This amendment provides no flexibility based on different State experiences. This amendment says that every State shall do it.

I hope in the remaining time, the Senator from Missouri would explain to the Senate where the States will get the money to do it. If they use money from this bill, it is going to come out of other vital activities. If they had discretion, Governors might decide that drug testing was a sensible priority for these scarce funds, or they might not. But this amendment provides no discretion. As a result, the money spent on drug testing will be money not spent on children's programs and expectant mother programs. We are going to cut back on those even further.

I would have thought the Senator would at least attempt to justify his proposal by arguing that there is a higher incidence of substance abuse among AFDC recipients, but he has not made that point. He has not made that point because there is no evidence whatsoever to suggest that it is true. But evidently he believes that poor people need this kind of testing, but that other, different groups that get Federal benefits do not. We do not drug test farmers applying for crop subsidies. We do not drug test homebuyers applying for a federally guaranteed mortgage. We do not drug test corporate executives applying for marketing assistance overseas. But we are singling out this particular group of poor people for this stigmatizing, intrusive procedure.

Now, the latest information from HHS is that it costs at least $35 to conduct a drug test, and that does not include the cost of an administrative appeals process, or the cost of treatment for those who test positive. There are some 5 million adults receiving AFDC, and that is only one category of welfare recipients. So we are looking ar a bare minimum price tag of $1.75 billion. That is $1.75 billion, without any assurance about what particular tests or laboratories we will have.

Madam President, it seems to me it would make more sense to say that the States may go ahead and develop these programs if they choose within constitutional limits and in compliance with the HHS guidelines. Let the Governors make that decision. But that is not what this amendment is about.

At an appropriate time, Mr. President, I will make a point of order against the amendment.

Madam President, just a brief comment on the underlying piece of legislation that we are considering here this evening. It is shocking to me that after months of what I had hoped was progress, our Republican friends are once again prepared to shed the fragile and frayed safety net designed to protect nearly 9 million American children. As I said from the beginning, there is a right way and a wrong way to reform welfare. Punishing children is the wrong way. Denying realistic job training and work opportunities, is the wrong way. Leaving States holding the bag is the wrong way. We all want to move families from welfare to work, but we should be clear that this bill is still not about real welfare reform but is simply more welfare fraud.

After more than 60 years of a good-faith national commitment to protect all needy children, our Republican friends are still proposing legislative child neglect, if not abuse. This measure, the broad measure, the underlying measure, is an assault on the youngest and most vulnerable Americans.

I urge my colleagues to join with me in doing the right compassionate thing and eventually voting no. Granted, after being called on the carpet for putting forward their home alone welfare bill, a proposal that would have forced mothers into workfare programs even if they had no one to care for their children—this bill provides funding for child care services. In addition, the Republicans have finally let go of their desire to dismantle existing protections for abused and neglected children. These are improvements.

The bill, nevertheless, poses many of the very same dangers to children as the bills that have already been vetoed. Madam President, here are a few of the tragic consequences. Under the Republican bill, destitute children would no longer be able to count on even the most basic concern in a time of need. In 1935, Congress made a historic promise that no child would be left to face poverty, hunger, and disease. This bill permanently breaks that promise. If the Republicans have their way, when children need a helping hand, it will depend on whether they are fortunate enough to be born in a State that has the resources and the will to provide that assistance. It will no longer be a matter of national policy. It will be a gamble geography.

Under the Republican bill, more than 1 million adolescent children and 4 million parents would lose their currently guaranteed access to health care. We know that adequate health care is a major barrier to employment. If we are serious about promoting work and reducing long-term health care costs, this is a major step backward.

Under the Republican bill, food stamp payments would be reduced to 66 cents a meal. I do not know how many of my colleagues have tried to feed a child for 66 cents, but it is just not possible. By slashing $27 billion from critically important nutrition programs, the Republican bill will leave more than 14 million children at risk of hunger, malnutrition, stunted development, and school failure.

Under the Republican bill, 300,000 children with serious disabilities, including mental retardation, tuberculosis, autism, and head injuries, will be denied SSI cash benefits and Medicaid eligibility.

The Republican bill pulled back the welcome mat for legal immigrants who enter this country under our laws, play by the rules, pay taxes, and contribute to our communities. It bans legal immigrants from SSI and food stamps. Even if their sponsors cannot help them, they still cannot help. Many immigrants, particularly those who come to fill needs rather than to unite with families, do not even have sponsors to turn to when they need help. Under this bill, if you are a legal immigrant and you fall on hard times, you are out of luck.

Madam President, I can think of no measure that expresses a greater hostility toward the immigrants that have made this country great than to ban legal immigrants from the ultimate safety net—Medicaid.

There is a solution to ensure that public assistance is truly a last resort for immigrants. We should hold sponsors accountable for the care of the immigrants they sponsor. But where the sponsor cannot shoulder the burden, or where there is no sponsor, we should be prepared to lend a helping hand, particularly to the children. There is much more.

The Republican bill provides far too few Federal resources to help in the training, education, and services needed to help move families from welfare to work. It prohibits the States from offering assistance to babies born to families on welfare—unless and until they enact laws to exempt themselves from this requirement. These provisions are a direct assault on children and have nothing at all to do with meaningful reform.

Madam President, right here in the Senate, much of what America has

stood for is being dismantled and destroyed.

In the movie ''Independence Day,'' people go to the theater, the lights go down, and they sit in the dark to watch a battle between aliens and America's best fighters, who win in the end. Here we are talking about American children living in poverty, the innocent victims of fate. If this bill passes, they will be the innocent victims of their own Government.

Tonight, after the movies, when people shut out their lights, we should all think about how fate has treated us and about what kind of country we want to live in, about what kind of children we want to grow up in this country. We do not need to worry about aliens; we need to worry about what we are doing to ourselves, our country, and our children. We may be reaching for the gold in Atlanta, but when it comes to caring for our children, we are certainly trailing the rest of the industrial world here in Washington. Surely, we can do better.

Mr. BIDEN. Madam President, I support random drug tests, and I have voted for random drug tests for welfare and food stamp recipients—as recently, in fact, as last May in Senate vote 133. But the big distinction between that and what Senator ASHCROFT is proposing here is that he is making it mandatory—and not providing the money to pay for it. We spent the first part of this Congress in 1995 debating the entire issue of unfunded mandates. And, here is an unfunded mandate. If this amendment had provided the funding or allowed States to do random drug tests, I would have supported it, as I have similar proposals in the past. But I cannot support this.

Madam President, I support the right of States to require welfare recipients to submit to drug tests and to fulfill a commitment to remain drug free as a condition for receiving public assistance. Drug abuse is serious, and is all-too-often a heartbreaking problem, particularly among young people. And we have to attack it on as many fronts as we can. Just yesterday, I joined my friend and colleague, Senator HATCH of Utah, in introducing a bill to crack down on the manufacture and importation of methamphetamine, or crank.

But whether a State chooses to combat drug abuse among welfare recipients through random testing and punishment, or through other methods of screening drug use and efforts to help people get off drugs permanently, is a decision that should be left to the States. Random drug testing is not cheap, and this amendment, as written, would force the States to spend up to $200 million—even if they had in place another means to go after drug use money recipients. While I support the right of States to test welfare recipients for drug use, I cannot support this unfunded mandate.

Mr. ASHCROFT. Madam President, I ask that the Senator from Oklahoma [Mr. NICKLES] be added as a cosponsor, and I yield 4 minutes to the Senator from Alabama.

Mr. SHELBY. Madam President, I rise tonight to join my friend from Missouri, Senator ASHCROFT, in offering this amendment, which would require the States to sanction individuals testing positive for drug use. This amendment would go a long way in restoring integrity into our system of public assistance.

Madam President, I trust there is not one Senator in this Chamber who would stand here and argue that taxpayers should be forced to subsidize the drug habits of other individuals. Yet, if the Federal Government continues to send cash payments to individuals using drugs, that is exactly what is happening. Not only is that directly contrary to the intent of the AFDC program, and others, and a complete waste of the taxpayers' money, but it is also very harmful to the parents using drugs and the children living in that environment.

Subsidizing the parents' drug habits will, in the end, destroy their chances for ever becoming self-sufficient. They will remain trapped on welfare longer and will require substantial rehabilitation.

However, Madam President, think of what we are doing to the children living in that environment. Giving cash to parents using drugs is one of the cruelest forms of Federal child abuse I can think of. By cutting off or limiting public assistance to those buying drugs, we are limiting their ability to buy the drugs. That will improve not only their lives, but the lives of their children.

Madam President, I believe the amendment offered by the distinguished Senator from Missouri will restore a great deal to our welfare system. I hope my colleagues will support it.

I yield the floor.

Mr. DOMENICI. Madam President, has all time expired?

The PRESIDING OFFICER. No. The Senator from Missouri has 6 minutes and 10 seconds. The Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. I am more than glad to yield back 4 minutes of the time and just take 1 more minute if the Senator wants to yield back his time. I am more than glad to do that. If he is going to retain the time, I will retain mine.

Mr. DOMENICI. Before the Senator does that——

Mr. KENNEDY. I will not do anything until I hear what Senator ASHCROFT is going to do. If he wants to yield time, I will as well. If he does not, I will retain my time.

Mr. ASHCROFT. I would like to use my time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I yield myself 4 minutes of the time remaining.

I have to say that I agree totally with the senior Senator from Massachusetts. This amendment is about children. As a matter of fact, drug use has been damning to children. It has, as a matter of fact, been lethal.

I would like to introduce you to one such child. This young man is no longer with us. His name was Jason. His mother was a 21-year-old recipient of the welfare of which we speak, and she funded her drug habit with the methamphetamine drug known as crank. Not only was her child born drug-addicted, but as a result of the nursing, the child literally died of an overdose of methamphetamine.

So, this amendment is about children. It is also about drug use and what that use does to children. It kills them. It is time for us to stop this killing.

This amendment is also about preparing for a job. If we are willing to say that people who are involved in job training should be subject to mandatory drug tests, as we did last October, it seems to me that welfare recipients should be held to the same standard. That is what this amendment would do.

Mr. President, let us not lure welfare recipients into a false sense of security; stay on drugs and we will still support you. Let us make it clear from the very beginning. If you are on welfare, you will be off drugs. The taxpayers and the children who aspire to a better tomorrow deserve nothing less.

I reserve the remainder of my time.

Mr. KENNEDY. Madam President, we can all have a feel good vote and support Senator ASHCROFT's amendment and think we are doing something about children. But the underlying bill cuts back on nutrition support for 14 million children in the United States. So who really favors children?

It is interesting listening to this Senator from Missouri. He says we know better, Washington knows better, we ought to tell those States how to run their programs. Of course he tells us something entirely different in another context. I hope we can let the Governors make this decision.

And remember the backdrop against which this amendment is offered. This Republican Congress has spent the last 2 years cutting back on the drug treatment and prevention programs that are designed to help the families whose lives have been affected by the scourge of drugs. We have tens of thousands of individuals who need and want drug treatment today, to free themselves from addiction, but they languish on the waiting lists of the treatment programs that still exist after the Republican budget cut these programs almost 20 percent. So we can pretend to be tough about drugs by voting for this amendment, but if we really wanted to fight drugs we would provide treatment to the people who need it and are begging for it.

The Senator from Missouri talks about substance-abusing mothers. But there is no money in here to assist any of those individuals who might test positive and want freedom from addiction. Does the amendment have any

money for treating these women so that they can be better mothers to their children? No. It is not provided.

Not only is money for treatment not provided. There is no money in here for the testing itself. It is $1.75 billion, and the Senator does not show where it comes from.

On the underlying measure, we have 1.3 million children who are going to be thrown off Medicaid. We are supposed to shed crocodile tears about drug-abusing mothers under the Ashcroft amendment, but the bill says to 1.3 million Americans, ''You are going to be denied any kind of help and assistance.'' Are we going to say to the 4 million mothers who are being denied Medicaid, many of them of childbearing age, that they are going to be denied prenatal care? The baby may get some care, but we are denying the mothers the prenatal care? Do we care about children?

It is difficult for me to be persuaded by the Senator's argument about how concerned we are about children when the underlying bill so badly frays the social safety net for children.

In conclusion, the amendment is an unfunded mandate on the States. It does not provide the money to conduct the drug tests. And it is simply inhumane to test these people and throw them into the street when the Republican budget so dramatically cuts back on the drug treatment programs that provide assistance for those individuals who want to free themselves from substance abuse.

I withhold whatever time I have.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Are we clear on time on amendments yet?

The PRESIDING OFFICER. There are 2 minutes left for each side.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, thank you very much.

The case of Jason Allen is not an isolated case. I could fill the RECORD with cases of children who are drug abused, or victims of the drug abuse of their parents, all funded by a welfare system that is the subject of this debate.

This amendment does nothing to impair our ability to care for children. Far from it. This amendment merely says that we ought to provide incentives for our children to live in drug-free environments, not drug-laden environments.

If we care about children, we cannot allow the current devastation to persist. It has occurred for too long. It has ruined families and ruined children. This amendment is an important first step in the right direction.

With that, Madam President, I thank you. I yield the floor.

Mr. KENNEDY. Madam President, we still have not heard from the Senator about what is going to happen to those children. What is going to happen if the mother is thrown off the welfare rolls for testing positive? Say she has been denied treatment, she is on a waiting list for drug treatment, and so she tests positive for drug use and forfeits her family's welfare benefits. How does that possibly help the children? You are prohibiting these women from getting vouchers so that they can get diapers, so they can get milk, or infant formula. So what happens to these families? They get thrown out on the street, and they are made homeless. There is no provision in here to look after the children.

I just think this is a harsh proposal. It is directed toward the mother, but it hits the children. It is also reflective of the underlying problem with the whole welfare bill. We are fragmenting the safety net for children in this country, and I think that is why the underlying measure should be defeated as well.

I withhold the remaining time. I have to withhold enough time to be able to make a point of order.

Mr. ASHCROFT. Madam President, I would be pleased to yield the remainder of my time for raising the point of order by the Senator from Massachusetts.

Mr. KENNEDY. I yield back all my time, and as I understand when all time is yielded that it is appropriate to make the point of order that the pending Ashcroft amendment is not germane. I raise the point of order that the amendment violates section 305(b) of the Congressional Budget Act.

Mr. ASHCROFT. Madam President, I move to waive the Budget Act for consideration of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Madam President, I ask unanimous consent that the time be yielded back on the motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. There is no objection on my part.

Mr. DOMENICI. Madam President, before we proceed to a vote, could I ask Senator DODD? I understand he has an amendment. If the sponsor and the opposition to the previous amendment would permit us, we would like to set the motion aside temporarily and take up the Dodd amendment. I think the Senator is going to go to 30 minutes equally divided.

Mr. DODD. That is correct.

Mr. DOMENICI. And there be no second-degree amendments.

Mr. DODD. Right.

Mr. DOMENICI. After which time we will order a rollcall on it, and we will then ask they be sequenced——

Mr. ASHCROFT. Reserving the right to object, might the Senator from New Mexico estimate the time at which a vote would occur on this amendment, on the motion to waive the budget act?

Mr. DOMENICI. It looks to me like it would be 6:10.

Does the Senator want that agreed to now so we do not violate that?

Mr. ASHCROFT. If it is possible, I would like to defer the vote until perhaps 8:30.

Mr. DOMENICI. I think maybe we better proceed to vote on the motion to waive right now, Mr. President. We will just do that and take Senator DODD's up in due course.

Mr. DODD. I say to my colleague, we will try to get it done quickly. The amendment is not a matter of great controversy. I know a lot of people wanted to say something about the amendment.

Mr. DOMENICI. Would the Senator take less?

Mr. DODD. I will try to do it in 20 minutes.

Mr. DOMENICI. The amendment was going to be agreed to, so I assume the Senator is going to get a very big vote. Would the Senator want to agree to let us accept the amendment?

Mr. DODD. I want a vote, I say, with all due respect, to the Chairman, on an issue that has gone back and forth.

Mr. ASHCROFT. Reserving the right to object, is there a reason the Senator wants to make his remarks in advance of the vote?

If the Senator from Connecticut needs to leave for other reasons, I would indicate to him that that is the condition in which the Senator from Missouri finds himself.

Mr. DOMENICI. Madam President, I withdraw my unanimous-consent request and ask for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote nay.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—50

Abraham	Faircloth	Kohl
Ashcroft	Feinstein	Kyl
Bennett	Frahm	Lieberman
Bond	Frist	Lott
Breaux	Gorton	McCain
Brown	Gramm	McConnell
Burns	Grams	Murkowski
Campbell	Grassley	Nickles
Coats	Gregg	Nunn
Cochran	Hatch	Pressler
Coverdell	Heflin	Roth
Craig	Helms	Santorum
D'Amato	Hutchison	Shelby
DeWine	Inhofe	Simpson
Domenici	Kassebaum	

Smith	Thomas	Thurmond
Stevens	Thompson	Warner

NAYS—47

Akaka	Ford	Mack
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Bryan	Inouye	Pell
Bumpers	Jeffords	Reid
Byrd	Johnston	Robb
Chafee	Kempthorne	Rockefeller
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Simon
Daschle	Kerry	Snowe
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden
Feingold	Lugar	

NOT VOTING—3

Bradley	Hatfield	Pryor

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, our leader will announce his intentions shortly, but I just want to say, from the best I can ascertain, there are 28 known amendments on the Democratic side, and that does not include the list of Byrd rule violations which could be considered to be votes. And on our side, there are 22, as of the last count.

I think the longer we are here, I say to the leader, it is an invitation for phone calls. We have about nine additional phone calls in our cloakroom from Senators who want to add amendments. So I do not believe it is going to be very easy to get this completed. We are going to need substantial time.

I yield to the leader, because I can't do anything about it at this point.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, first, I would like to inquire, are we in a position where we can get a 20-minute time agreement, equally divided, on the Dodd amendment and get a vote on that in 20 minutes?

Mr. DODD. I say to the majority leader, we had 30 minutes, and we will try to use less than that. We have a number of people who want to speak. That is the problem. I will try to keep it to no more than 30.

Mr. LOTT. Are you talking about a total of 30 minutes equally divided?

Mr. DODD. Yes, 30.

Mr. LOTT. Let me lock this in.

Mr. President, I ask unanimous consent that there be a 30-minute time agreement equally divided on the Dodd amendment, with a vote to follow immediately after that time, and no second degrees be in order.

Mr. CHAFEE. Mr. President, I thought this was an amendment they were going to accept.

Mr. DOMENICI. We told the Senator we would accept it. He desires a rollcall vote and desires debate.

Mr. CHAFEE. If it is going to be accepted, how much debate is there going to be on the other side? Can you take 10 minutes?

Mr. DODD. We are wasting time debating. Why don't we get to the amendment?

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

Mr. LOTT. Mr. President, I don't want to delay time here. There has been a suggestion made that we try to work together on both sides of the aisle to get a reasonable list of amendments that would be debated and voted on. If we could get that done, then we could go to events that are scheduled tonight. Some of the Senators would like to be at the Olympics tomorrow at 12. Then we would have a series of votes on those amendments beginning at 9:30 Tuesday. Basically that is the outline of what we were trying to do. But instead of the amendments shrinking, they are growing on both sides of the aisle.

I have suggested to the Democratic leader that we will get our list down to five amendments on our side of the aisle for votes, which means that some of them will be accepted, some of them will come up another day. I mean, that is reasonable. I hope there will be an effort on the other side. We debated this before. We made our points. You can make your points on your five amendments and we can make whatever points we have to on our five amendments or so. It does not have to be exactly that number. But if we are talking about a series of 20 to 40 amendments on Tuesday, that is no accomplishment.

We do have an alternative. That is to stay here tonight and stay tomorrow and complete the time that is remaining and vote on amendments tomorrow, which would suit me fine. But I would like to be able to accommodate Members on both sides of the aisle who have things that they would like to do. I think that would be fair.

So at this point, I just ask everybody—we have 30 minutes here. Let us get serious. Let us get this agreement worked out. Then we can go on and do what we need to do tonight and tomorrow. We can take up the agricultural appropriations bill Monday. We can debate the amendments tonight, tomorrow, and 4 hours on Monday and we can vote on Tuesday. That is a mighty good arrangement. We have been having good cooperation all week. Let us see if we cannot do it one more time on this very important piece of legislation that the President wants and both sides of the aisle want. With that, I plead with Members on both sides to cooperate with us and let us get a reasonable list worked out.

Mr. DASCHLE. Mr. President, let me reiterate as well my desire to see if we cannot work this list down in the next 30 minutes. I hope every one of the colleagues on my side of the aisle will come to me and tell me, No. 1, when they intend to offer the amendment and, No. 2, whether they really need a rollcall or whether they would be satisfied with a voice vote.

If we cannot get it down to a reasonable list, I think it is fair to say that within a half-hour we would be then in a position to say whether we will be here tonight, tomorrow and Monday. So, if we cannot—I do not have any plans—we will be here tonight. I have no objection to being here tomorrow and Monday, but there are a lot of people who have expressed an interest in trying to accommodate the schedule that the majority leader has discussed, and I hope we can do that, just to take into account some of the people who have already made their plans. But we will have to make that decision within the next 30 minutes. So, I hope everybody will come to me, and we will decide within that 30-minute timeframe whether or not we will be here tomorrow and Monday or not.

Mr. DOMENICI. Could we ask our side to do the same—30 minutes?

Mr. LOTT. Absolutely.

Mr. DOMENICI. Just come into the Cloakroom and tell us. We want to dispose of them. Thank you.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 4902

(Purpose: To restore health and safety protections with respect to child care)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for himself, Mr. COATS, Mr. KENNEDY, Mrs. KASSEBAUM, Ms. SNOWE, Ms. MIKULSKI, Mr. HARKIN, Mr. KOHL, Mr. KERRY, Mrs. MURRAY, Mr. KERREY, Mr. COHEN, Mr. REID, and Mr. LEAHY, proposes an amendment numbered 4902.

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

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

The amendment is as follows:

On page 628, strike clauses (vi) and (vii) of section 2805(2)(A).

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and my colleagues, Senators COATS, KENNEDY, KASSEBAUM, SNOWE, MIKULSKI, HARKIN, KOHL, KERRY, MURRAY, KERREY, COHEN, REID, and LEAHY. As you can see by this list, Mr. President, this is a bipartisan effort.

I have asked for a rollcall vote here because this is an issue that has been adopted in the past and yet mysteriously ends up dropping out of the bill every time we turn around. So I am asking for a rollcall vote, and hopefully an overwhelming vote here, so that when we get to conference on this legislation, it stays in the bill. Despite the fact that we passed this a number of times, every time we get it done, somehow it manages to disappear from the bill again, as it did from the Finance Committee bill. For those reasons, we will ask Members to be recorded on this issue.

Mr. President, let me just briefly point out that what we are doing here is restoring to the bill the child care health and safety standards that we adopted now 6 years ago when the senior Senator from Utah and I offered the child care legislation and set up broad guidelines for health and safety standards, leaving to the States the specifics on how they would achieve those particular goals.

I am thankful for the efforts of my colleague from Indiana, and Senator SNOWE, Senator KASSEBAUM, and others who worked on this over the years. We have felt that it has been very, very helpful to have these standards in place. If we are going to have, as we must have, child care resources as we move people from welfare to work, these children have to be in a safe place. We have standards by which we maintain our pets and our automobiles. In this case here we are setting basic minimum standards for children. It is something that we ought to all be able to agree on.

There was a study done, Mr. President, a few years ago that assessed the health and safety standards at child care settings across the country. The conclusion of that study, Mr. President, was that in only 14 percent of the cases was it where the child care centers provided good quality care. In 85 percent of those settings, almost 86 percent, the study concluded it was not good quality at all. So there is a necessity for requiring that these children be in a healthy and safe setting. We are talking about a setting where you are seeing to it that there are not open electrical outlets, there is electrical safety, water safety, basic requirements so that these children will be adequately protected.

Mr. President, as I pointed out earlier today, let us try to keep this debate in perspective. Of the 13 million people on welfare, 8.8 million of those are children. And 78 percent of that 8.8 million are under the age of 12. Almost 50 percent of the 8.8 million children are under the age of 6. So there is going to be a substantial number of children who will need child care as their mothers or fathers who are on welfare go to work.

There is money for child care. I would like more, but it certainly is an improvement over what existed in the past. But it is not just a question of having funding for child care. These children must also be in a safe environment.

A little later on this evening or tomorrow, or whenever, you are going to have another amendment offered by my colleague from Louisiana dealing with another aspect of children's safety. Let me urge my colleagues here, many of whom support this amendment, to look at the Breaux amendment and look at the other amendments dealing with children. I do not think there is any debate in this Chamber about trying to get adults from welfare to work. But there ought not to be any debate either, in our view, about trying to see to it that innocent children who through no fault of their own have been born into circumstances where they need some help, whether it is in food or health care or child care, are protected.

So we urge the adoption of the amendment and also amendments that would provide that safety net for these children.

At this point, if I can, Mr. President, I yield 3 minutes to my colleague from Maryland, and then I will yield to my colleague from Indiana. At that point we will try to wrap up the debate here, unless others want to be heard, and get to a vote on this amendment.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Dodd-Mikulski-Kassebaum-Coats, et al. amendment. This amendment is really quite simple. It restores basic health and safety standards for child-care providers receiving Federal funds.

The bill before us repeals those modest standards. I think that is shocking. Safe child care is too important to be left to chance.

Mr. President, we have to make sure that what we explicitly state are our values we put in our legislative policy. This bill does that. It restores the requirement that states have standards in place to protect children. These standards protect children from infectious diseases, make sure their buildings and playgrounds are safe, and require the people who take care of children to know first aid.

I hope that every Senator will support this amendment because in moving families to work, we must ensure not only the adequacy of child care, but that child care is safe. Sure, we often focus on debating the amount of money we are going to spend on child care. And this is one Senator who believes we need to provide more funding for child care. However, we have to make sure that child care is not only affordable, but that it is safe. There is a basic need for health and safety standards for child care facilities and providers. We need standards to make sure our kids are not around open electrical outlets, that there are not open manholes like little Jessica fell down some years ago. This is basic. Child care has to be more than warehousing kids. Parents have to have some assurance that their children are in a hazard-free environment, and that those who are taking care of them know at least basic first aid, so they will know what to do if a child is hurt or becomes ill.

This is not an unfunded mandate. It is not even a mandate at all. It is common human decency. Requiring States to assure certain basic health and safety standards is the least we can do to give parents peace of mind, while they are working to provide for their children.

Mr. President, in 1990 the Congress enacted a major child care bill. We had bipartisan support for that bill. It provided Federal funds for tax credits and grants to make child care more affordable. It also ensured that providers who receive those funds had to meet minimum health and safety standards, which each State would establish.

We recognized that basic standards were needed to ensure that all children would be safe and well-cared for. The 1990 child care bill made sense then and it makes sense now. Under that law, States set the standards; they decide what will work best for their State.

In my own State of Maryland, we have a three tiered system of health and safety standards. Maryland felt it was important that child care centers that care for lots of kids have a higher level of regulation than someone who provides care in a home setting or in the child's own home. Maryland also ensures background checks to screen providers for criminal records.

Other States have different standards to meet the particular needs of their State. But this law ensures that each and every State must have at least a minimal level of safety and health standards. If we are serious about protecting children, we absolutely must maintain that requirement.

It is what every mom and dad wants for their kids. We should vote our values and support the Dodd-Mikulski, et al, amendment.

I yield the floor.

Mr. COATS. Mr. President, I will be brief. I know time is of the essence here, and we will yield back some of our time.

Let me state that I support very much what Senator DODD and Senator MIKULSKI are attempting to do here. This is essentially the same legislation that we are attempting to restore that we enacted in the 1990 child care legislation. This gives States a great deal of flexibility.

For instance, the State of California has a program called Trust Line which allows the State to require background checks, criminal background checks, of child-care providers. In those background checks, they found 5 percent of those who had applied to be State-certified child-care providers had criminal backgrounds and they had to disqualify them. Not all States have chosen to operate on that basis, although I think that is a reasonable requirement that a State might want to impose on a child-care provider. That is just one example of the flexibility that a State has to impose, those minimal conditions for safety and health, under child-care provisions.

Now, the House Ways and Means committee has supported this. The House Employment Economic Opportunity Committee, President Bush supported this in 1990, the Congress supported it on a bipartisan basis, the Governors have supported this. What we are attempting to do is correct something that I believe was an error, maybe it was not, but I think all indications are that it was an error as it was put in the reconciliation bill. This

would restore it to what, essentially, is current law and what the Congress agreed to in 1990. I urge its adoption.

Mr. DODD. Mr. President I ask unanimous consent that Senator BOXER of California be added as a cosponsor, as well as Senator EXON and Senator WELLSTONE.

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

Mr. DODD. I end on the note I began with here. I hope our colleagues will look at some of the other amendments dealing with children, particularly the voucher proposal from Senator BREAUX. I believe we can develop a pretty good bill here.

I do not think there is much debate about moving 4 million adults in the country from welfare to work, and I hope we could develop some consensus, particularly on the children under the age of 12. I understand people make an argument for 16-, 17-, and 18-year-olds, but when you have 80 percent of the 8.8 million kids on AFDC under the age of 12, 50 percent under the age of 6, it seems to me we ought to find the means to provide a safety net for them, whether in a child-care setting or regarding adequate nutrition.

I do not think we need any real debate about ideological differences on that point. While I think we will get a strong vote here, I urge my colleagues to look at these other amendments and judge them on their merits and decide whether or not you do not think this will help strengthen and improve a welfare-to-work piece of legislation that draws us all together in this body, makes it a stronger bill, and one that I think will adequately give the kind of protection to children that all of us want to give.

Do not blame the innocent child for the circumstances they have arrived in. They ought not to go hungry without adequate health care and the protection of a child-care setting.

Mrs. BOXER. Will the Senator yield?

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

Mrs. BOXER. I commend the Senator and both sides of the aisle for their leadership here, and say as one who has fought hard and long with the Senators from Maryland, Connecticut, and certainly Senator PRYOR and others for nursing home standards, we have to take care of our vulnerable populations. This is a big step forward.

Mr. President, back in 1990, we passed a law in the reconciliation bill to enact basic health and safety protections for child care.

That current law now requires providers receiving funds through the child care development block grant [CCDBG] to have basic health and safety protections in place.

The Dodd amendment restores these basic health and safety protections which are otherwise repealed in the pending welfare bill.

What do we mean by basic?

Requirements regarding the prevention and control of infectious diseases.

Building and physical premises safety.

Minimum health and safety training.

These standards ensure, for example, that children have up-to-date immunizations. That poisonous substances stay out of the reach of young children. That electrical outlets have plugs in them.

Simply put, these basic standards reduce the numbers of accidents, incidence of illness, and safe childrens' lives.

Mr. President, we are about to make major changes to the way welfare programs in our country are run.

We hope that these changes will mean a lot more people will be getting off welfare and going to work.

I think the least we can do is give people some assurance that their children's caregivers meet a minimum level of health and safety standards.

Spurred by the Federal health and safety standards we put in place in 1990, California decided to pass a law to give even more protection for children from providers with a criminal record.

The law California passed created Trust Line.

Turst Line is a criminal background check for child care providers who are exempt from State licensing requirements.

Through Trust Line, the State found that 5 percent of these providers had criminal records—60 percent of which involved child abuse convictions.

Repealing the Federal standards would be a huge step backward for protecting our children.

Many of us here are parents. I think we understand that having piece of mind about our childrens' safety is literally priceless.

The least we can do for the welfare recipients we will be sending off to work is to assure them that some minimum health and safety standards are in place for their child's day care facility.

I urge my colleagues to support the Dodd amendment.

Mr. EXON. Have the yeas and nays been requested?

The PRESIDING OFFICER. No.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. I yield 30 seconds to my colleague from Delaware.

Mr. BIDEN. Mr. President, I compliment my friend from Connecticut and our Republican colleagues.

Mr. President, it was not too long ago—1990— that we first put the child care health and safety standards in place. The Senator from Connecticut—who led the effort—remembers all too well the extensive discussion—and, bipartisan compromise—that went into enacting these standards.

It would be unfortunate if we repealed them today. They were the product of a bipartisan effort 6 years ago. They were retained in the bipartisan Senate bill that passed here last September. And they are retained in the bipartisan Castle-Tanner bill.

Frankly, I am not sure why we are repealing them. Usually, we hear the argument about Federal requirements being a burden on people.

But, in fact, in my State of Delaware, the people who are the strongest supporters of these health and safety standards are the very people who have to comply with them—the child care providers.

Yes, child care providers in Delaware have come to me and said, ''Don't get rid of the safety standards. Don't get rid of the quality in day care.''

It may sound strange. But, think about it. They want Federal standards and Federal requirements because they remember what it was like before there were standards. And, they do not want to go back.

And at a time when we are increasing child care funding—and going to see significant increases in the number of children in day care as welfare mothers are required to work—it is crucial that the child care providers who will be caring for kids meet minimum standards. I don't think that's too much to expect.

In fact, I think every parent with a child in day care would expect no less. Parents who drop their children off every morning want to know that their kids will be safe. They want to be sure that they are not leaving their child at some fly-by-night, shoddy, unsafe, unhealthy day care center.

So, I just urge my colleagues to think about what is being proposed here.

I add one point, I do not know how we can, in fact, have the kind of bill we want without this amendment. I think it is very important. I yield the floor.

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

Mr. KOHL. Mr. President, I rise in strong support, and as an original cosponsor, of the amendment by the Senator from Connecticut.

I agree with much of what is in the welfare legislation before us today and I plan to vote on it. We owe it to the low-income families of this country to end a welfare system that keeps them down rather than helps them up. We owe it to the taxpayers to spend their money in a way that strengthens their communities. We owe it to ourselves to be honest when we have failed—as we have with our current welfare system. And we owe it to this country to develop a welfare system that respects and encourages this Nation's long-standing values of work and family. I think this bill, on the whole, does that, and that is why I support it.

But before we send this bill out of the Senate, there is room for improvement. One of my chief concerns with this bill is the unwise elimination of the bipartisan, minimal Federal standards that govern the quality of child care. We ought to be doing exactly the opposite.

Not only does the repeal of safety standards jeopardize quality of care for children from welfare families, it threatens child care safety for all children. Children of families from all income levels benefit from the current health and safety standards.

We need to return welfare to the States because the Federal program has proven itself a disaster. But turning the program over does not mean turning our backs on the people and communities welfare is meant to help. We still have a responsibility at the Federal level to make sure that State-run welfare systems are able to succeed where the Federal system so dismally failed.

And that means doing everything we can to keep the national economy healty—so there are jobs for welfare recipients to move into. And that means strengthening our child care infrastructure—so there are safe and stimulating places for the children of welfare recipients to spend their days as their parents go back to work.

As States begin to move mothers off the welfare rolls and into jobs, the demand for child care is going to soar. Preliminary estimates done for the city of Milwaukee have shown that welfare reform will create the demand for 8,000 new child care slots—child care that does not exist today. Already in the State of Wisconsin, there are almost 6,500 children from 4,000 families on waiting lists for child care.

At the Federal level, there is much we can do to start putting a broader child care infrastructure in place. But one thing I know we cannot do is move backward and eliminate the minimal Federal standards that now regulate the quality of child care.

At the very heart of the welfare debate is the Government's responsibility to the impoverished children of this county. We failed them with our current welfare system, and today we rightly admit that failure and ask the States to try and do better. As we turn welfare over to the States, we cannot fail those children again by ignoring the real need they have for protection and education while their parents work. We can—and should—turn over welfare. But we cannot turn away from the children who need and deserve quality day care.

I ask my colleagues to support the Dodd amendment.

Ms. SNOWE. Mr. President. I rise today as a proud cosponsor of Senator DODD's amendment to restore child care health and safety standards to this welfare reform bill. During consideration of last year's welfare reform bill, I worked with my distinguished colleague from Connecticut to add crucial child care funds to the welfare reform bill. In fact, the $3 billion in child care funds which we succeeded in adding to the bill resulted in an overwhelming vote of 87 to 12 in favor of the bill.

I am pleased to join my colleague once again, as we consider a new welfare reform bill almost one year later, on another important child care issue. Maintaining health and safety standards for federally subsidized child care is a basic issue of accountability for Federal dollars. But above all, it is about guaranteeing the safety of this Nation's youngest and most vulnerable children. The amendment is a significant step toward ensuring that American children from low-income and working families receive safe child care.

These health and safety standards were created as part of the child care and development block grant in 1990, with broad support from President Bush, Congress, and the Nation's Governors. The 1990 legislation did not dictate regulations governing child care facilities. Instead, it required child care facilities receiving Federal funds to meet basic requirements set by the states in three areas: building premises safety; prevention of infectious diseases; and training for child care providers.

Again, I emphasize that these health and safety standards are set by the States. And because they are set by the States, they allow States the same State flexibility that motivates this welfare reform bill.

Six years after the creation of these health and safety standards, we know that they work to protect this Nation's children. For example, California protects children through Trustline, which institutes background checks for providers that are exempt from State licensing requirements. Through these background checks, the State found that 5 percent of these providers had criminal records—of which 60 percent involved child abuse convictions.

Yet despite their proven success, this welfare bill does not contain these crucial protections for children. Instead, it simply requires States to certify that they have State licensing requirements for child care. However, a significant percentage of child care facilities are exempt from State licensing requirements. In fact, only 9 States require all family child care homes to be regulated regardless of size. The children who attend these exempted facilities would do so with no assurances that these facilities met even minimal health and safety requirements. And yet Federal funds would pay for this potentially substandard care where children are offered no protections for their health and safety.

This does not make sense. After all, we offer consumers protection when they buy food and cars, use public transportation on our highways, and have their hair cut. It does not make sense that this bill would leave the Federal Government with no way to ensure that children receiving public child care funds are in minimally healthy and safe settings.

This amendment simply ensures that when Federal child care funds are used they will not be in settings where poisonous substances are within easy reach of children; where electrical outlets are left exposed and open; where unfenced play areas expose children to busy streets; where children are allowed to go unimmunized; and where child care providers have a criminal record. How can we allow public funds—taxpayer dollars—to be spent in such a reckless and uncaring manner?

Finally, if we are talking about welfare reform helping people become self-sufficient, why wouldn't we want to ensure that children get off to a good start by having safe child care? Experts believe that the first few years of life—those years during which an increasing number of children are in child care—are the most crucial for a child's development. If children are to develop to their full potential, we need to ensure that they are cared for in safe environments by responsible adults who are knowledgeable about child development.

Research shows that unregulated child care is generally of lower quality than regulated care. This means that children are less likely to receive the care they need to enter school ready to learn. The children that will receive child care under this bill are some of the most vulnerable children in our society. They should not be placed at greater developmental risk because they begin life in substandard child care.

As a Nation, it is the least we can do to ensure that Federally funded child care meets minimum health and safety standards. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Oklahoma [Mr. INHOFE] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from New Jersey [Mr. BRADLEY] are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—96

Abraham	Campbell	Faircloth
Akaka	Chafee	Feingold
Ashcroft	Coats	Feinstein
Baucus	Cochran	Ford
Bennett	Cohen	Frahm
Biden	Conrad	Frist
Bingaman	Coverdell	Glenn
Bond	Craig	Gorton
Boxer	D'Amato	Graham
Breaux	Daschle	Gramm
Brown	DeWine	Grams
Bryan	Dodd	Grassley
Bumpers	Domenici	Gregg
Burns	Dorgan	Harkin
Byrd	Exon	Hatch

Heflin	Lieberman	Rockefeller
Helms	Lott	Roth
Hollings	Lugar	Santorum
Hutchison	Mack	Sarbanes
Inouye	McCain	Shelby
Jeffords	McConnell	Simon
Johnston	Mikulski	Simpson
Kassebaum	Moseley-Braun	Smith
Kempthorne	Moynihan	Snowe
Kennedy	Murkowski	Specter
Kerrey	Murray	Stevens
Kerry	Nickles	Thomas
Kohl	Nunn	Thompson
Kyl	Pell	Thurmond
Lautenberg	Pressler	Warner
Leahy	Reid	Wellstone
Levin	Robb	Wyden

NOT VOTING—4

Bradley	Inhofe
Hatfield	Pryor

The amendment (No. 4902) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum, the time to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. I want to say before I ask this unanimous consent request that I appreciate the cooperation, again, from the Democratic leader. There has been an effort on both sides to reduce the number of amendments. We have not been able to get it reduced as much as we had hoped for on either side of the aisle. We worked on it. We will continue working on it. We are trying to accommodate as many Senators as we possibly can, with a variety of personal problems or needs, and to get our work done. It is very hard to get both of those done simultaneously. So we have come up with a unanimous consent request that I think will allow us to do our job and still allow for consideration of as many Senators' needs as possible.

The summation of it is basically we will begin now and continue to take up as many as nine amendments tonight for debate. Hopefully, some time limitations could be agreed to on those. We will begin voting at 9 a.m. tomorrow morning on those amendments taken up tonight. There will be a series of votes on those amendments. Then we will return to debate on amendments throughout the afternoon tomorrow and for 4 hours on Monday, at which point we will turn to the agriculture appropriations bill and make an effort to complete that bill, if it is at all possible, on Monday. All time on all amendments would be done Friday afternoon and Monday, during that time. Then we will go to the final votes beginning at 9:30 on Tuesday and complete action on the reconciliation bill.

I think that is as fair a process as we can come up with because we still have 13 hours of time remaining. We still have a long list of amendments remaining. It does take time to debate those amendments, though, so this will allow us to have a substantial portion of that time used up tonight. We are going to be counting on Senators to stay and offer those amendments. We have offered at least three on our side and six on the other side. We will have the votes in the morning. I think that is a fair arrangement.

I have submitted a unanimous-consent request. The leader is reviewing that now, and I think we can achieve this.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent during the remainder of the Senate's consideration of S. 1956, the following amendments be the only amendments in order and those amendments be subject to germane second degrees and all other provisions under the statute remain in effect and any rollcall votes ordered this evening with respect to amendments offered tonight occur at 9 a.m. on Friday, July 19, in a stacked sequence, with 2 minutes for debate to be divided equally prior to each vote, and following the disposition of amendments the Senate proceed to further debate on the remaining amendments.

I further ask that following those stacked votes on Friday, any additional rollcall votes ordered with respect to the amendments be stacked in the same fashion as described above beginning at 9:30 on Tuesday, July 23, and following disposition of the amendments, the bill be advanced to third reading and the Senate proceed immediately to the House companion bill, H.R. 3734, and all after the enacting clause be stricken, the text of S. 1956 as amended be inserted, and the bill be immediately advanced to third reading and final passage occur, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

Mr. DOMENICI. I do not object, but I ask if you could insert that time on the amendments be no longer than 30 minutes, equally divided?

Mr. DASCHLE. Mr. President, I think in some cases we are not going to need 30 minutes. I know at least in one case, the amendment to be offered by the distinguished Senators from Delaware and Pennsylvania, I think they wanted 45 minutes.

Mr. DOMENICI. I withdraw that request. We will work on it.

Mr. DASCHLE. I would like to, if we could, at the end of the colloquy, announce the list and the order in which the amendments are going to be taken so Senators will be put on notice as to when their amendment could be expected.

Mr. LOTT. If I could respond to that suggestion, Mr. President, we are working on a list right now. Of course, we will try to identify them in order. We will try to go back and forth so you are getting your amendments offered, although tonight there may not be exactly that number. We have three, I think, committed tonight. You may have as many as six.

Mr. DASCHLE. Six.

Mr. LOTT. I urge the Senators to agree to time agreements, hopefully less than 30 minutes. If we have one that needs 40 minutes, we will do that. But we will, at the end of this, try to identify the list somewhat in the order they would come up.

The PRESIDING OFFICER. Is there objection? The Senator from Rhode Island.

Mr. CHAFEE. May I ask the leader a question, please?

Mr. LOTT. That will be fine, Mr. President.

Mr. CHAFEE. I have an amendment which is up near the top of the list. I greatly prefer if I did not have to debate that tonight. I will be perfectly prepared to debate it after we have completed our rollcalls tomorrow.

Mr. LOTT. I do not think there will be any problem. I know the Senator has a couple of problems tonight. We will accommodate that. We have identified other amendments that can be offered tonight, and yours could be one of the first tomorrow.

Mr. CHAFEE. As far as the time agreement, I am perfectly prepared to agree to 30 minutes. I do not know what the Senator from Delaware would say, but I am agreeable to 30 minutes equally divided.

Mr. EXON. Mr. President, if I understood the unanimous consent request, any amendment that would be offered would be debated either tonight, sometime on Saturday——

Mr. LOTT. Friday. Friday afternoon or Monday morning.

Mr. EXON. Or Monday.

Mr. LOTT. Yes, sir.

Mr. EXON. There would be no amendments debated—if you want to offer an amendment on this bill, you are going to have to do it by Monday, is that correct?

Mr. LOTT. Yes, sir.

Mr. EXON. But there would be 2 minutes of debate equally divided, on every amendment that was offered, on Tuesday before the vote?

Mr. LOTT. That is the way it has been done, and that is what is incorporated in the request.

Mr. EXON. I thank my friend.

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

Mr. LOTT. Mr. President, I further ask unanimous consent that all amendments must be offered and points of order must be offered and debated during the remainder of the session this evening, during tomorrow's session of the Senate, or Monday, July 22, between the hours of 10 a.m. and 2 p.m., with that time for debate on Monday to be equally divided. That is in response to the question that the Senator from Nebraska just asked.

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

Mr. LOTT. So, for the information of all Senators, there will be no further votes this evening. The next vote will occur at 9 a.m. on Friday, July 19, 1996. Following those stacked votes, the Senate will continue to debate the reconciliation bill. The next voting series will be on July 23, 1996.

Members are put on notice, if they intend to offer amendments under the consent agreement just reached, they must be offered and debated tonight, during the session of the Senate on Friday, or on Monday between the hours of 10 a.m. and 2 p.m. No further amendments or debate other than the 2 minutes of closing debate will be in order.

I thank all Senators for their cooperation in this matter.

Mr. HARKIN. Will the majority leader yield?

Mr. LOTT. I yield.

Mr. HARKIN. As I understand it, tomorrow morning at 9 votes will start. After those stacked votes, there will be no more votes after that.

Mr. LOTT. We will shorten the time for votes by agreement, and there will be no more recorded votes after that sequence of votes, which could be as many as nine votes in a row.

Mr. HARKIN. I thank the majority leader.

Mr. LOTT. Mr. President, I am submitting for the RECORD a list of amendments that we have identified. I still hope some of these will be accepted on a voice vote or be worked out, but we are submitting this list for the RECORD. This would foreclose any other amendments on our side being offered, other than on that list.

I send the list to the desk and ask unanimous consent that it be printed in the RECORD.

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

1. Jeffords: LIHEAP.
2. McCain: Child support—Indians.
3. Chafee: Standards of eligibility.
4. Shelby: Adoption assistance.
5. Craig: Childcare.
6. Hatch: SOS EIC.
7. Helms: Food stamp—work.
8. Abraham: Illegitimacy ratio.
9. Faircloth: Funds for teenager mothers.
10. Faircloth: SSI outreach.
11. Ascrost: Children immunization.
12. Faircloth: Childcare work.
13. Bono/Abraham etc.: Waivers.
14. Gramm: Deny drug benefits.
15. Coats: Independent accounts.
16. Coats: Kinship.
17. Pressler: FS Fraud.
18. Nickles: Reports on small businesses.
19. Ascroft: Limit time.
20. D'Amato: Work requirement.
21. Lott: Manager's package.
22. Domenici: Manager's package.

Mr. LOTT. We would like to ask that a similar list be submitted from the Democratic side.

Mr. DASCHLE. That will be provided.

Mr. DOMENICI. When will that list be provided, the overall list?

Mr. DASCHLE. We will provide it within the next half-hour; even sooner. It is available. We just want to put it in a form that is presentable.

Mr. DOMENICI. Presentable.

Mr. LOTT. You are not adding any more to it? I inquire how many that is? What number is that?

I will not put you on the record, because I hope whatever it is, it will be less than that when it is submitted for the RECORD or, in fact, when they are brought up.

Mr. DASCHLE. That is our intention.

Mr. LOTT. We still have a real problem with the colleagues not being cooperative enough with us. There is no reason why we should have 40 votes on amendments on this bill. We can make our points. Some of these can be taken on voice votes. Senators insisted, ''I want a recorded vote.''

I remember one time, when Senator DASCHLE and I were in the House of Representatives, a Congressman who won on a voice vote insisted on a recorded vote and lost. There is a great message in that.

I, again, ask our colleagues, cooperate with us. There is no reason why we should have more than 10 or 12 additional amendments voted on in this process. Vote-a-ramas do not help anybody and it makes us all look very bad.

Mr. DASCHLE. Mr. President, if it is appropriate, I ask unanimous consent that the first 15 minutes of this series of amendments to be considered be for the distinguished Senator from Washington, to be joined by the Senator from Illinois, and we will dispose of the first amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator DASCHLE, I just checked as to what that amendment is. That is an amendment in the jurisdiction of the Agriculture Committee, not either Senator ROTH or myself. We were wondering if we could have someone from the Agriculture Committee—we will proceed. Do you want to go for 15 minutes?

Mr. DASCHLE. Can we do 15 minutes? I do not know if you need more.

Mr. DOMENICI. We will take up to 15 minutes. Let's get that locked in and proceed.

We will say to Senators around waiting to offer their amendments, we are going to use this 15 minutes to sequence eight or nine amendments so Senators can know when they are coming up.

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

The Senator from Washington.

AMENDMENT NO. 4903

(Purpose: To strike amendments to the summer food service program for children)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 4903.

Mrs. MURRAY. 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 section 1206.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I offer this amendment that simply strikes provisions relating to the Summer Food Program in the welfare bill that is in front of us. I hope this can be accepted on a voice vote. If not, we will have it be one of our recorded votes tomorrow.

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

The PRESIDING OFFICER. The point is well taken. The Senate is not in order.

The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Again, the amendment that I have sent to the desk simply strikes the provisions that are related to the Summer Food Program. As all of the Members of the Senate know, we debated the school lunch issue over the last year and a half. Understand, the consensus across this country is people believe we do need to make sure that our children get adequate nutrition. The Summer Food Program is the same argument.

The Senate bill that is before us makes an 11-percent cut to the reimbursement rate for lunches provided in the Summer Food Program. This reduction is a 23-cent cut on each lunch that is provided. It will reduce the amount of money that is provided for these lunches from $2.16 to $1.93. That is a substantial cut, Mr. President, and will have a dramatic impact on the programs offered across this country that assure each one of the children of those programs get adequate nutrition.

We have heard the arguments many times over the last year how important it is that a child get proper nutrition and, without that nutrition, is unable to learn. That is exactly what these cuts will do. They will dramatically impact the ability of our kids to have a nutritious meal in these summer programs.

It also will mean many of these summer programs will not survive. If they have to charge the people in these programs an additional $20 or $30 a month in order to make up the difference, it will mean that many of these programs will be lost, particularly in our rural areas where costs are substantial and it is very difficult for parents to come up with adequate money for these programs to begin with.

Estimates vary by State, but a recent report concluded that this cut that is being proposed in this welfare bill will result in a 30- to 35-percent drop in the number of sponsors, most of them in our rural districts. It will result in a 20-percent cut in the number of children who are able to participate, and many of the larger sponsors are going to have to drop their smaller sites.

I think it is very critical that this Senate go on record saying that we understand the nutrition needs of young children in this country today, and I urge my colleagues, hopefully by voice vote, to accept this reasonable amendment to assure that young children in this country do get the proper nutrition in the Summer Food Program that is in the welfare bill.

The PRESIDING OFFICER. Who seeks recognition?

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to speak for about 15 minutes. I probably will not use it all.

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

If the Senator will suspend, the Senate is not in order. The Chair suggests that the negotiations that are going on take place in the cloakroom. It is making it very difficult for Senators to proceed.

The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President, for restoring order.

Mr. President, I would like to speak to the bill. Maintaining a social safety net for the poor has always been a complex and paradoxical challenge. How does one provide sufficient support for the poorest Americans while simultaneously promoting self-help and individual initiative?

The bill before us offers one approach to the problem in the current welfare system by implementing time limits on benefits, requiring individuals to work and, at the same time, increasing parental responsibility. However, the problem lies in that this bill does not focus welfare reform on the people that welfare really serves. I know you have heard me use these statistics before, but I think it is important to restate them.

There are 14 million people in this country on welfare; 9 million, or 67 percent, of those people are children, almost 60 percent of whom are below the age of 6.

Is it fair that these children lose the safety net that the Federal Government and the States have maintained for 60 years, in the name of welfare reform?

Whenever we cite problems with the current welfare system, such as encouraging family breakups or fostering dependence, I have never heard anyone arguing that we are giving children excessive resources as a complaint. Therefore, Mr. President, as we consider welfare reform today, my question remains the same as I posed months and months ago when this debate first started. What about the children?

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. Once again the Chair requests that negotiations that are going on go on inside the cloakroom.

Mr. FORD. Mr. President, there is room for staff to have seats in the back. That would help some.

The PRESIDING OFFICER. The point is well taken. If staff are not required on the floor, they can retire to the cloakroom.

The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank you again, Mr. President. I really appreciate it, and I appreciate Senator FORD's interjection.

My question remains the same: What about the children, our children? What about America's future? No one has answered that question, and all the sponsors of this initiative can do is speculate, guess, come up with hypothetical responses about the answer. What happens to the children is the great unanswered issue in this welfare reform debate.

I am sure that my colleague will recall the discussions about what happened in this country before we had a safety net for children.

We found many children being left to their own devices. Subsequently, the term ''homeless half-orphan'' was formed. I do not believe for a moment, Mr. President, the architects of this bill want to move this country back to the bad old days with homeless half-orphans and friendless foundlings and children left to their own devices begging in the streets. I do not believe that.

But I am a bit dismayed with the Members' apparent ability to conclude, while they do not yet know what the implications are for children with this bill, we still must go forward, we still must reach closure on this issue in spite of the fact that we have not answered that great unanswered question.

Many of my colleagues seem to be willing to take the chances that the States will do no harm to children. There is also, it seems to me, the perception that we have to do something no matter how misguided it may be. Frankly, Mr. President, I am concerned. I do not agree it is better to do something bad than to do nothing at all. If any of us were directly affected by this bill, if we were directly affected by what happens here, I believe we would all be a lot less willing to take that chance. That is a chance that we are now forcing on those who are the most vulnerable in our society.

I want to take this opportunity to discuss two core implications of this bill, its impact on children and the disproportionate impact on States and communities.

First, what about the children? Currently, Mr. President, 22 percent of American children live in poverty. That is about 15 million children, or one in every five. That number is twice the number of children in poverty in Canada and Australia; four times that of France and Germany, the Netherlands and Sweden.

Consequently, there are 9 million children on welfare and about 300,000 homeless children in our Nation. These facts are disheartening enough because America is the greatest country on Earth. There is no reason why we have so many kids, so many children stuck in poverty. As a Nation, we are No. 1 in terms of gross domestic product, the number of millionaires and billionaires, health technology, and defense expenditures.

It is shameful that we are number 16 in living standards among our poorest one-fifth of the children, number 18 in the gap between rich and poor children, number 18 in infant mortality rates, and number 19 in low-birthweight rates.

Mr. President, these children are not responsible for being born poor. They did not choose to have parents who refuse to play by the rules, nor do these children have the means of fighting a State or local decision made during difficult budget times.

The Department of Health and Human Services has estimated last year that about 1.5 million children would be pushed below the poverty level by last year's passed Senate welfare bill. Essentially, the same provisions that pushed children below the poverty line last year are included in this bill as well, and the result is likely to be the same.

Nearly 1.5 million American children pushed into poverty who are not today in poverty. This alone should set off the warning sirens that we are doing something wrong here, that there is something flawed with this approach. The ramifications of welfare reform should not be to push more children into poverty than are already there.

The Department of Health and Human Services, HHS, again, currently estimates that under a best-case scenario, which would be every State having 5-year time limits and exempting 20 percent of families, about 2.6 million children would be cut off of subsistence that public assistance provides now—left with absolutely nothing.

This legislation even prohibits the States from providing in-kind assistance to children whose families reach the time limits. I cannot understand, Mr. President, the reasoning behind this provision. Efforts in the Finance Committee to restore even the State option to provide noncash assistance to children were opposed and were defeated. The entire block grant approach is supposed to be—is supposed to be—predicated on State flexibility, and yet this policy in this bill says to the States that they cannot use funds, they cannot use their own money that they are already getting from the block grants to provide for the children of their States through the best possible means that they decide are the best possible means under the circumstances.

In other words, it is a mandate in a direction that cuts against flexibility. Again, it is stunning to me that that

would happen in the context of a bill that is touted as giving local flexibility. Perhaps my colleagues are tired of the question, ''What about the children?'' I cannot, however, help believing that the implications of this welfare reform genuinely are not fully understood yet. And 1.5 million children will be pushed into poverty, and 2.6 million children cut off altogether. We are not talking about 1.5 million cars or 2.6 million trees. These are children. And they are poor through no fault of their own.

Should not we, as Americans, as the wealthiest nation in the world, provide a safety net to ensure that our children do not go hungry, do not become homeless—a minimum level beneath which no American child can fall?

Adults, of course, must be held responsible and held accountable. Everyone who can work, should work. I mean, I do not think there is any debate at all by anybody on that score. There are currently about 5 million adults on welfare, lower than the number of children. But of the 5 million adults on welfare, 4 million of them, approximately, are able-bodied and can work. They, therefore, should work.

However, demanding that adult welfare recipients work is not enough. We need also to recognize there has to be 4 million jobs for those 4 million people. It is unlikely, Mr. President, that the job market can so quickly absorb that number of people.

Again, a second unanswered question in this legislation. Where does the job creation come from? How do these people find jobs? We have to be careful. We have to be certain, Mr. President, that we do not punish 9 million children based on unrealistic assumptions about the employability of 4 million adults. And that is what this legislation does.

The Massachusetts welfare program that began in November of 1995 demonstrates this fact. That program required 20,000 AFDC recipients to work at least 20 hours a week. As of June of this year, only 6,000 had actually found work. I want to point out, of that 6,000 who actually found work, 1,900 of those were working in subsidized jobs. Only 30 percent of the 20,000 individuals have found work of any sort, paid or unpaid.

Massachusetts has realized that a lack of education and skills among these parents, half of whom have never completed high school, seems to be a factor in the failure of that program so far. The State is encountering numerous unanticipated problems, including an inadequate job supply. So again, this legislation, which does not create any jobs, forces the 4 million adults into the job market, and then, thereby, if they do not find jobs, if they cannot support their families, those 9 million children will suffer. I think that these assumptions ought to be looked at very carefully as we rush to judgment on this legislation.

The second point I am going to talk about has to do with the State and community variation which I call the ''food chain'' argument. We have all heard the expression that ''all politics are local.'' Well, caring for the poor, dealing with poverty is also local. The needs of the poor do not just stop because the Federal Government decides to stop paying for it. Again, this legislation moves in that direction. The block grant program will lock in the Federal funding to the States. And no matter what happens—no matter what happens in the economy—that funding will not change.

Currently, many States, particularly in the Midwest, are experiencing revitalized growth, and welfare rolls are in fact declining. These are good economic times in this country. We heard the discussion about that this morning in committee. So, of course, many States weigh the flexibility of block grants versus the projected decline in needs and say, ''Well, OK, this program, this new initiative is acceptable to us.''

I am not surprised that many Governors concluded that block grants were acceptable because their budget estimates tended to indicate that fewer people will need welfare and that they can have this free block grant money to play with. Financially, this probably looks like a good deal to a lot of Governors.

But what happens when the business cycle takes its normal dip or, even worse, a recession? That is the time in which more difficult decisions will have to be made. Will a State raise additional revenues to meet needs, shift responsibilities to localities, or reduce benefits? That is the key question.

Although this bill includes a $2 billion contingency fund for States to tap into during economic downturns, the fine print on the access to that fund makes it clear that it will be too little and too late to help people who lose their jobs when the economy turns sour.

Some States and communities do a better job of taking care of poor people than others. Also, States and communities often start from very different positions. The Federal Government and the States have maintained a 60-year commitment to abolishing child poverty through the AFDC program. This bill would take this national problem, turn it over to the States, and say to the Governors, ''Here. Go fix it.'' I fear that a system will develop in which Governors will be forced to say to mayors and county commissioners, local governments, ''Here is a problem. Go fix it.''

The result will be of this pushing down of accountability, the successive washing of hands, that our children will become victims of geography. The benefits available to a child may depend on what State that child lives in or what region of the State that child resides in.

I want to show you a national chart, Mr. President, about the variation in child poverty rates between the States. The variation in child poverty rates between the States reflects these likely disproportionate impacts. The increase in color, from beige to red, indicates States with high poverty rates. These are the high-poverty-rate States.

You recall, I indicated 22 percent of children are below the poverty line. Well, there are great variances. In Virginia, it is a 14-percent poverty rate under the age of 6; Illinois, 18.9 percent poverty rate for children under 6; Texas, 25.6 percent poverty rate of children under 6. How can my State be expected to care for children under the same conditions as a State like Virginia with such different needs?

In all likelihood, the provisions of the bill will force the States to handle the burden for those who simply cannot find work to local units of government. Yet, there is even more in child poverty rates among counties within a State, more variation than among the States generally.

My own State of Illinois, Mr. President, is an illustration. We have an overall child poverty rate for children under 6 of almost 19 percent. However, as you can see, there is considerable variation among the counties, ranging from less than 3 percent in DuPage County, to 57 percent down here in the south, Alexander County. Virginia and Texas show a similar pattern. Texas goes from 7 percent in some counties to almost 70 percent in others.

Again, the debate surrounding the solution to those living in poverty has gone on and will probably go on for a long time. Yet, as we attempt to address this difficult issue, let us not relive a past where we turn over the problem and let children fend for themselves.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MOSELEY-BRAUN. I ask unanimous consent for an additional 2 minutes.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Ms. MOSELEY-BRAUN. This bill aims to make people more responsible and may have some minor success in achieving that objective. However, in teaching others responsibility, let us not forget our own responsibility. Let us not just wash our hands of the responsibility we have to the children of this Nation, as we hand it down to States and local communities. The existing disparities between State and local communities will only be exacerbated, and our children, these American children, will be the losers.

Mr. President, welfare reform is necessary. Few would argue that we need to do something to encourage change here, to give people a chance, to give them the opportunity to pull themselves up by their bootstraps and take care of their own children. Welfare reform must be based on welfare reality, not welfare mythology. We must not forget who the real victims are, or beneficiaries are, depending on your point of view—our Nation's children.

In the absence of information, in the absence of real data about the impact of this legislation, we should not abandon our responsibility to be thoughtful as we approach our legislative duties.

I want to say in conclusion, Mr. President, I was with my son one time and we were driving down the street. He asked why there were so many homeless people. I tried to describe to him it was a function of failed policy. Folks just did not pay attention to decisions they were making when we made some decisions in terms of the mentally ill. The result is we have people laying in the gutters talking to themselves in the alleys.

Mr. President, I do not want to look up 5 years from now and discover we have children living in the gutters, sleeping on the streets, and begging on the corners because we did not wait until HHS or anybody else could come up with decent numbers regarding the impact of our decision, that we did not think about the fact that counties within a State had variations, that we did not think about the economic impact.

Mr. President, I understand it is a popular issue. I understand it is a political issue. I say, Mr. President, and I quote my colleague, Senator MOYNIHAN, who said at one point that this is the most regressive social legislation we have seen in this century. It is for that reason that I am going to oppose this, as I have opposed this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield myself such time as I may consume.

Mr. President, I rise in opposition to the Murray amendment for a couple of reasons. No. 1, there is no offset identified in the Murray amendment. For the information of Members, what that means is we have $214 million of savings that the Agriculture Committee was required to come up with that now we are going to have to come up with savings somewhere else, in some other program, which, given where the big money is in the agriculture bill, we are talking about looking at the Food Stamp Program.

We have already heard from many Members on the other side that the Food Stamp Program already has been squeezed, so we are back to a very tough decision. That is a very important reason to oppose this amendment.

No. 2, really, this amendment is not necessary to continue to meet the needs of the summer feeding programs for children. The reason I say that is because the rates that are in the underlying bill for the Summer Food Service Program for lunch is $1.93 a meal. The ordinary rate for a lunch, a school lunch, in an ordinary school in America during the year is $1.79. Let me repeat that: The ordinary rate for a school lunch during the year, during the school year, is $1.79. The rate in the bill for a lunch during the summer is $1.93 for that lunch. That, by the way, that reimbursement rate is roughly equivalent to the amount we pay to severe-need schools. Those are schools that have at least 60 percent of their children at the school who are in poverty. So we are paying a rate, actually, slightly above the rate that we pay during the school year for severe-need schools.

Now, I understand that the Summer Food Service Program for Children is targeted at poor communities, but we are paying a reimbursement rate here which is equal to the rate we pay to poor communities during the school year. So I guess we believe that this was a responsible place to find a reduction, that we are still paying enough money for school lunches, to encourage venders to participate, schools to participate in providing the service for children throughout the summer.

If we do not make a reduction in this program, and I think it is a judicious reduction, then we have to come up with money from someplace else in the budget, which may, in fact, be tougher on children than the reduction proposed in the underlying bill.

I encourage Members to oppose the Murray amendment for those reasons. I reserve the balance of my time.

Mrs. MURRAY. Mr. President, I will be very brief because I know there are a number of Senators who want to offer amendments.

I heard two arguments, one that there is no offset. It is my understanding that when this Senate struck the Medicaid provisions in this bill, that had a $70 billion impact, without worrying about where the offsets were. So in this provision, it only affects $24 million. I say because it is the right policy that we care for our children and make sure they have nutritious foods, it seems legitimate and likeminded to do what we have done with the Medicaid provision in this bill.

Second, the other argument was that the price for these meals is higher than what is offered during the school year. That is, of course, true, because during the school year the volume, the number of children that are served is quite large, is much larger. In the summer, we are serving fewer students, and, therefore, the cost of meals goes up.

Second, during the school year, the facility is provided. During the summer, programs have to pay for the sites, and the cost goes up prohibitively because of that. That is why the summer program costs more than the school-year program.

It is a very legitimate concern. I will again say that the bill reduces the amount of the program by 23 cents on each lunch. That will have a dramatic impact. We will lose sites, especially in rural areas, and see as much as a 35-percent drop in the number of programs that are able to offer this.

Again, I urge my colleagues to support this amendment tomorrow morning. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. My response to that, Mr. President, first, the Senator from Washington knows the fact is that the Agriculture Committee was given a reconciliation instruction, and by removing this part from that portion of the bill we will have to come up with money elsewhere. It is not like Medicaid is part of that instruction. It is not. It is a separate instruction, a separate area, an area that is gone for now. We are deeming with this portion of the bill.

We cannot just say we cut something somewhere else, and, therefore, we should not worry about it here. It is apples and oranges. We do have to come up with the money somewhere else. I think this is a reasonable place to come up with it. The rate of $1.93 was increased in the committee by Senator LEAHY. He sought to increase it more himself, but he recognized that to do that he would have had to find savings somewhere else. It was his judgment—obviously, by his amendment—that this was an area that could afford a reduction more than other areas of the agriculture budget. And so I think, going from the attempt that he made in committee, that this was probably the best place to find the reduction at the time. So I ask, again, that Members oppose the amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. Mr. President, has the Senator yielded back her time?

Mrs. MURRAY. How much time is left?

The PRESIDING OFFICER. The Senator has approximately 5 minutes left.

Mrs. MURRAY. Mr. President, I will simply conclude by saying that we have had this argument about the importance of providing nutritious meals for our kids so they have the ability to learn and learn well.

I urge my colleagues to remember those children when we vote on this amendment tomorrow morning.

I yield the remainder of my time.

Mr. DOMENICI. Mr. President, I am going to try to just informally establish a little bit of the order, so that Senators who know they are going to offer amendments tonight will kind of know the sequencing. The first thing we would like to do, however, is to ask the distinguished chairman of the Finance Committee to shortly offer three amendments, en bloc, which have been cleared on both sides.

The order would be as follows: We have just completed debate on Murray. Next would be Senator FAIRCLOTH on our side. He has two amendments. We will have the first Faircloth amendment. Senator BREAUX would be next.

Mr. FORD. If the Senator will yield, are we going to try to have time agreements on these?

Mr. DOMENICI. I tried that a while ago, and we decided to just wait on each one.

Mr. FORD. I was just hoping.

Mr. DOMENICI. I am hoping, too. Senator FAIRCLOTH is not going to take much time. Maybe we can get an agreement now. While we are waiting for him, to put everybody on notice, Senator BREAUX would follow Senator FAIRCLOTH.

There will be a second Faircloth amendment, to be followed by Senator BIDEN. And then we would have a Santorum-Frist amendment with reference to waiver. Then there will be a Senator Harkin amendment and then an Ashcroft amendment. Then we would have Senator WELLSTONE, who, I believe, has two. We would be pleased to let him proceed with two in sequence. And then we would have Senator GRAHAM of Florida and Senator DODD.

If we can complete those, we will be set up for a vote in the morning on 11 amendments. Senator FAIRCLOTH will be right along. We will ask for 15 minutes to a side, if that is satisfactory.

Mr. FORD. That suits me. If we can get a finite time or an understanding, it would be helpful to all concerned.

Mr. DOMENICI. If the Senator is prepared, can Senator FAIRCLOTH agree to 15 minutes on his amendment?

Mr. FAIRCLOTH. I can do it in about 3 minutes. They are bringing it over from the office.

Mr. FORD. Would it be all right for Senator BREAUX to go ahead with his?

Mr. FAIRCLOTH. I only need about 3 minutes for just a brief description.

Mr. DOMENICI. Senator FAIRCLOTH wants 3 minutes. How much does the opposition want?

Mr. FORD. I do not know whether we will oppose it. Give us 3 minutes.

Mr. DOMENICI. I ask unanimous consent that there be 3 minutes to a side on the Faircloth amendment, and that it be the next amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent that no second-degrees be in order to the Faircloth amendment.

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

Mr. DOMENICI. How much time would Senator BREAUX like on his amendment?

Mr. BREAUX. I think 10 minutes.

Mr. DOMENICI. I ask unanimous consent that there be 10 minutes on each side on the Breaux amendment, with no second-degrees in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Senator FAIRCLOTH has a second amendment. While we are waiting for him, does anybody know if 15 minutes will be satisfactory for Senator BIDEN?

Mr. FORD. He has a total substitute, so it will be a little longer, probably.

Mr. DOMENICI. On Senator FAIRCLOTH's second amendment, I ask unanimous consent that there be 3 minutes on a side, with no second-degrees in order to that amendment.

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

Mr. DOMENICI. We have Senator BIDEN's amendment, and we are trying to find out what he would like. In the meantime, will Senator SANTORUM, Senator FRIST, and Senator ABRAHAM decide what they need? And then we will lock that in shortly. Those three Senators are participating in waiver amendments.

I yield the floor and suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROTH. Mr. President, I have a unanimous consent agreement to propound to dispose of four amendments which have been agreed to on both sides of the aisle. These amendments are Senator JEFFORDS' amendment to protect recipients of Federal energy assistance; the second is Senator GREGG's amendment to require administrative summons to request child support information from public utilities; the third is Senator MCCAIN's amendment to allow child support agencies to enter into cooperative agreements with Indian tribes; and the fourth, Senator COATS' amendment relating to placing children separated from their parents with a relative. Senator WYDEN is a cosponsor of this amendment.

Mr. President, I ask unanimous consent that it be in order for me to offer these four amendments, which I now send to the desk en bloc, that they be considered and agreed to en bloc, and that the motions to table and the motions to reconsider be agreed upon en bloc, and that they appear on the RECORD as if considered individually.

Mr. FORD. Mr. President, reserving the right to object, I apologize. We have failed, and those on the other side have failed, to talk to the ranking member of the Indian Affairs Committee, Senator INOUYE. It has not been cleared with him yet. I suspect that it will be. But I hope that the Senator will withhold this until such time as we might contact him. And that would be within a minute or two.

Mr. ROTH. Mr. President, I withhold my request until such time as we hear from the senior Senator from Hawaii.

Mr. FORD. Mr. President, why don't we ask unanimous consent that this motion be set aside? It would automatically come back, I say to the Senator, if that is all right. I ask unanimous consent, then, that this amendment be set aside so that we might proceed to the Faircloth amendment.

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

Under the previous order, Senator FAIRCLOTH is recognized for 3 minutes.

AMENDMENT NO. 4905

(Purpose: To prohibit recruitment activities in SSI outreach programs, demonstration projects, and other administrative activities)

Mr. FAIRCLOTH. Mr. President, this is a very simple one but is a very direct one and I think a very important one to the American taxpayers.

I am offering an amendment which clarifies that no Federal funds should be used for recruitment activities in the SSI program.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. FAIRCLOTH) proposes an amendment numbered 4905.

Mr. FAIRCLOTH. 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 399, between lines 10 and 11, insert the following:

Subchapter F—Other Provisions

SEC. 2241. PROHIBITION OF RECRUITMENT ACTIVITIES.

(a) IN GENERAL.—Section 1631 (42 U.S.C. 1383) is amended by adding at the end the following new subsection:

''PROHIBITION OF RECRUITMENT ACTIVITIES

''Nothing in this title shall be construed to authorize recruitment activities under this title, including with respect to any outreach programs or demonstration projects.''.

Mr. FAIRCLOTH. Mr. President, this amendment says very simply that we will not use the taxpayers' money to solicit people to come into the SSI program, which we are doing, and spending massive amounts of taxpayers' dollars to solicit people to come and sign up for SSI benefits. We are doing it through mailing, advertising, and even door-to-door solicitation with people who are hired and paid by the Federal Government. SSI outreach programs are used to try to maximize participation in the SSI program.

I believe we owe it to the American people to assure them that we are using the hard-earned dollars that we spend on welfare programs only to provide assistance to the truly needy and that we are not out spending more of their money and hiring bureaucrats to solicit people to come get their money.

So this is a very simple program. It forbids the use of Federal funds for the recruitment of people into the SSI program. I do not think we should be hiring people to solicit people to come get welfare.

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

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair.

Mr. President, I was just looking at the amendment. It is the first time I

have had the opportunity to see it and read it. The Social Security Disability Program that the Senator is referring to is essentially cash benefits for disabled people, most of which are elderly.

The question I am concerned about when the Senator's amendment says ''nothing shall be construed to authorize recruitment activities, including any outreach program, or demonstration projects,'' I think it is important that the agencies let people know what the program is about.

I tend to agree with the Senator about going out and trying to recruit people to come in and engage in a program that is there. But is the Senator's amendment intended to prohibit trying to let people know what is in the program? Would they be prohibited under the Senator's amendment from telling people about what the program does and how it works?

Mr. FAIRCLOTH. It would not prohibit them from telling them if they come in and ask about it. They can come into the Social Security office and ask about the program. They would be told.

Mr. BREAUX. Let me ask the Senator something further. We have a lot of Federal programs that provide benefits and loans. For instance, the Senator is aware of the farm programs. The Farmers Home Administration has loan programs and things that are beneficial to farmers. They try to communicate that information to the farm community to let them know that we have a program that does the following three things. ''If you are interested, come in and talk to us.''

Would this prohibit the Social Security people from doing the same thing that other Federal programs are able to do with regard to informing people about the benefits of the program?

Mr. FAIRCLOTH. I am not sure how they inform all the people about the programs because there are many Federal programs and many, many ways of informing people. But we have simply created here an issue that we could simply go out and solicit door to door. We bring people in to try to get the benefits. If they come to the office and ask about the program, then it certainly is perfectly all right.

Mr. BREAUX. Would his amendment prohibit publishing a brochure describing what the program does?

Mr. FAIRCLOTH. No, not if they kept it in the office, but not start mailing them and delivering them door to door.

Mr. BREAUX. The concern I have is that it is sort of like we will have a Federal program, but we are going to hide it; that we are not going to let anybody know about it. I do not think that a Federal agency should go out and recruit people to benefit from a program. If a program is a legal program, I am concerned about getting to the point of trying to say we are going to have this program but we do not want to tell anybody about it. If you are lucky enough to find out about it on your own, maybe you could come and apply for the benefits. We are talking about people who are disabled. A lot of them are disabled. They cannot get anywhere. How do they find out about it?

Mr. FAIRCLOTH. The Senator is well aware that we have never had a Government program in which we have given away money that was not well advertised.

Mr. BREAUX. My concern is we are taking about a disabled person who may be homebound and who cannot get out. They are disabled. We are talking about disabled people. That person is disabled. How are they going to find out about the program if you cannot tell them about it?

Mr. FAIRCLOTH. They are going to find out about the program.

Mr. BREAUX. I am wondering how they would find out about the program. How?

Mr. FAIRCLOTH. Innumerable ways; family members. They will find out about the program. But we have gone out soliciting people door to door that are not homebound, that are not sick.

Mr. BREAUX. Let me ask the Senator this question.

Would his amendment prohibit the Social Security Administration from getting a list from the county health authority on people who are disabled and then sending them a brochure telling them about the benefits?

Mr. FAIRCLOTH. Getting this from where?

Mr. BREAUX. Would the Senator's amendment prohibit the Social Security Administration from getting a list of people who are disabled from the county health authority and then sending them a brochure describing what the benefits are?

Mr. FAIRCLOTH. No, the amendment would not prohibit that. I would be willing to amend it so we could do that. That is certainly within the realm of what we could do. But door-to-door solicitation, big ads in the newspaper, come-and-get-it type ads, that is what I am trying to get at.

Mr. BREAUX. The Senator is aiming at door-to-door solicitation and running ads advertising the program, but other than that, communicating by any other means would be legitimate communication?

Mr. FAIRCLOTH. They can do it if they do not use Federal funds. There are many advocacy groups that are working and soliciting—I am saying advocacy groups cannot use Federal funds.

Mr. BREAUX. Is the Senator saying the Social Security Administration could not use funds to print a brochure to describe the benefits?

Mr. FAIRCLOTH. They can print the brochure, they can mail it, but they cannot give money to advocacy groups going door to door.

Mr. BREAUX. Could they mail it to the disabled?

Mr. FAIRCLOTH. Certainly. Who else would you mail it to?

Mr. BREAUX. I just want to make sure we are not trying to hide the program so well nobody will ever find out anything about it.

Mr. FAIRCLOTH. I do not think there has ever been a Federal program in which we gave away money like we have with SSI that was very well hidden.

Mr. BREAUX. I wonder under the unanimous-consent agreement whether the Senator's amendment would be amendable.

Mr. FAIRCLOTH. It would be amendable, yes.

Mr. BREAUX. It would be. Would it take unanimous consent to amend it?

Mr. FAIRCLOTH. It would not.

The PRESIDING OFFICER (Mr. SMITH). The Chair would inform the Senators the time on the amendment has expired.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. May I ask the distinguished Senator from North Carolina a question. I understood the Senator to say to the Senator from Louisiana he would be able to amend it to be sure that door-to-door solicitation and that sort of thing was not acceptable but what he explained would be. Is there a chance we might set it aside and work out an agreement so it could be accepted and we would not have a vote?

Mr. FAIRCLOTH. That would be agreeable, yes.

Mr. FORD. I ask unanimous consent then that the Faircloth amendment be set aside temporarily.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FORD. Now, Mr. President, as I understand it, the Roth proposal is now the pending business?

Mr. BREAUX. I do not think so.

The PRESIDING OFFICER. The Roth amendment was withdrawn by consent. The Senator can renew the request.

Mr. FORD. All right, I ask him to renew it then, because at the time I was the culprit because we had not checked completely with the ranking members and now it has been cleared and we are in full support of Senator ROTH's proposal.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware? Is there objection? The Chair hears none, and it is so ordered.

AMENDMENTS NOS. 4906 THROUGH 4909, EN BLOC

Mr. ROTH. Mr. President, I would ask permission to renew my request that the four amendments which I identified earlier be agreed to en bloc, they be considered and agreed to en bloc, that the motions to table the motions to reconsider be agreed to en bloc, and that they appear in the RECORD as if considered individually.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes amendments en bloc numbered 4906 through 4909.

The amendments (Nos. 4906 through 4909), en bloc, are as follows:

AMENDMENT NO. 4906

(Purpose: To protect recipients of federal energy assistance)

Beginning on page 1–5, strike line 18 and all that follows through page 1–7, line 12, and insert the following:

(a) IN GENERAL.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended by striking paragraph (11) and inserting the following: ''(11)(A) any payments or allowances made for the purpose of providing energy assistance under any Federal law, or (B) a 1-time payment or allowance made under a Federal or State law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device,''.

(b) CONFORMING AMENDMENTS.—Section 5(k) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''plan for aid to families with dependent children approved'' and inserting ''program funded''; and

(B) in subparagraph (B), by striking '', not including energy or utility-cost assistance,'';

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) a payment or allowance described in subsection (d)(11);''; and

(3) by adding at the end the following:

''(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—

''(A) ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law to provide energy assistance to a household shall be considered money payable directly to the household.

''(B) ENERGY ASSISTANCE EXPENSES.—For purposes of subsection (e)(7), an expense paid on behalf of a household under a State law to provide energy assistance shall be considered an out-of-pocket expense incurred and paid by the household.''.

Mr. JEFFORDS. Mr. President, I wish to correct what I think is a serious problem with this bill. I ask my colleagues to support my amendment to remove from the welfare section of this bill those provisions that unfairly burden poor families who rely on both food stamps and Federal energy assistance. Not only does the bill change a long-standing bipartisan policy, it does so without bringing any savings to the bill.

As it's currently drafted, S. 1956 will cut the food stamp benefits of poor families and elderly people who receive Federal low-income energy assistance. The bill achieves this end by counting LIHEAP benefits as though they were income available to families to purchase food. The result is that any time a poor family with children or an elderly person receives Federal help to pay a fuel bill, they'll get less in food stamp benefits that month.

The good news is this is a very easy provision to fix. Linking LIHEAP benefits to food stamp eligibility doesn't add any savings to the bill because under new scoring policies, CBO doesn't score any savings to this provision. We can remove this harsh provision from the bill without reducing our welfare savings.

I'd like to take a few minutes now to remind my colleagues of the importance of both the Food Stamp Program and the energy assistance program to our most vulnerable populations.

Who is receiving food stamps?

Households with children—80 percent of the food stamp population.

Elderly people—another 7 percent.

People living at half the poverty level—more than half of all food stamp benefits go to people living at half the poverty level.

That's who's getting food stamps—families with children, the elderly, and extremely poor people, Food stamps benefit our most vulnerable populations. We can't lost sight of that fact.

LIHEAP, too, serves the poorest of the poor:

Households with incomes less than $8,000—two-thirds of LIHEAP funds goes to these households.

Half of the households receiving LIHEAP have incomes below $6,000.

One-third of LIHEAP households have elderly people living in them.

One-third of LIHEAP households have disabled people living there.

LIHEAP is the program that prevents many disadvantaged households from having to choose between putting food on the table or heating or cooling their homes.

What we've done in the bill as drafted is force people to make that choice again. If they need help heating or cooling their homes, there will be less food stamp benefits available to them. In households with incomes of less than $8,000, we shouldn't be forcing people to make that choice.

Food and shelter are very basic human needs. On $8,000 a year, there can be no doubt that the entire household income must be devoted to meeting the needs of basic human existence: clothing, medical care, and maybe transportation. In my mind, it's simply bad policy to force those basic needs to compete with each other.

This welfare reform package is about helping people to get back on their feet: helping them to move beyond poverty and dependence into productive and contributing citizenship. To the extent that we're talking about populations we don't expect to hold down jobs: the severely disabled, the elderly, and children—this policy is even more problematic. Either way, we need to make sure that people have the fuel they need to heat their homes, or cool them if that's necessary. We need to make sure people have food for their children and for themselves. It's not a one or the other proposition—people need both. Federal law has recognized this fact since the mid-1980's, and there's no reason to change the policy now.

For many years, it has been our policy to not count aid provided under LIHEAP assistance as income. Members of both parties have recognized in the past that reducing the food stamps of LIHEAP recipients would be counterproductive. Do we really want a policy that says ''whenever LIHEAP helps a poor family or elderly person pay high utility bills, they well have their food stamps cut?'' I don't believe we're really helping if we implement this policy. People will still face major difficulty in paying basic bills and securing adequate food at the same time.

According to CBO estimates, the welfare bill already cuts the Food Stamp Program by $28 billion over the next 6 years. The food stamp cuts in this bill are $4 billion deeper than the cuts in those years under last year's Senate welfare bill. The cuts in the benefits of the households receiving energy assistance would be on top of the food stamp benefit reductions already in the bill. Since the provision cutting the food stamps of poor households that receive LIHEAP doesn't score any savings, we should remove this link from the bill and retain current law.

Again, I urge my colleagues to join me and my colleagues, Senators SNOWE, CHAFEE, COHEN, LEAHY, LIEBERMAN, SIMON, KENNEDY, KOHL, and WELLSTONE in supporting this amendment.

AMENDMENT NO. 4907

(Purpose: To modify the requirement for expedited procedures to establish paternity and to establish, modify, and enforce support obligations)

Beginning on page 467, line 22, strike all through page 469, line 18, and insert the following:

''(D) ACCESS TO INFORMATION CONTAINED IN CERTAIN RECORDS.—To obtain access, subject to safeguards on privacy and information security, and subject to the nonliability of entities that afford such access under this subparagraph, to information contained in the following records (including automated access, in the case of records maintained in automated data bases):

''(i) Records of other State and local government agencies, including—

''(I) vital statistics (including records of marriage, birth, and divorce);

''(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

''(III) records concerning real and titled personal property;

''(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

''(V) employment security records;

''(VI) records of agencies administering public assistance programs;

''(VII) records of the motor vehicle department; and

''(VIII) corrections records.

''(ii) Certain records held by private entities with respect to individuals who owe or are owed support (or against or with respect to whom a support obligation is sought), consisting of—

''(I) the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records of public utilities and cable television companies, pursuant to an administrative subpoena authorized by subparagraph (B); and

''(II) information (including information on assets and liabilities) on such individuals held by financial institutions.

Mr. CRAIG. Mr. President, my amendment will bring the child support enforcement language in this bill

in line with Federal law on privacy protections. I understand it has been accepted by the committee, so I will keep my remarks brief. I sincerely appreciate the help and support of the chairman, Senator ROTH, and the ranking member, Senator MOYNIHAN.

Mr. President, part of our effort to reform the welfare system in this country has been to ensure that parents are responsible for the financial support of their children. Efforts to streamline the ability of States to identify and collect child support payments from dead-beat parents is a big part of the Personal Responsibility and Work Opportunity Act of 1996. In our ardent effort to accomplish this, however, we must also remain mindful of legal protections that should be provided for private entities that would be required to supply necessary information for the enhanced enforcement of child support payments.

It is important to note that the private entities that will be required to participate in the bill's support enforcement efforts should be able to operate within the constraints of existing laws designed to protect privacy.

Current privacy protections in Federal law (18 U.S.C. §2703), require that private information can be provided only pursuant to a warrant, court order, or administrative subpoena. The bill's current provisions, which allow States to obtain information by merely requesting it, would be in conflict with this Federal statute. Without addressing this issue, the bill would put private entities such as telephone companies in a needlessly difficult situation. My amendment will resolve this problem.

In short, Mr. President, what my amendment would do is allow States the ability to obtain this information in the simplest manner, while complying with Federal statute, by requiring only an administrative subpoena for the procurement of private information for the purposes of child support enforcement. It will also provide these private entities with the necessary protection from lawsuits.

An administrative subpoena is not an onerous or time-consuming requirement for State agencies. In fact, in the States where it is currently used, the device actually streamlines the process of obtaining necessary information. Under an administrative subpoena, if preapproved conditions and standards are met, an agency has the authority to issue a subpoena without having to submit individual cases for a court's approval. In fact, it is my understanding that some States allow certain individuals, within an appropriate agency, the authority to issue subpoenas. For example, that could include a caseworker, who is working directly with the issue, to issue an administrative subpoena. This procedure is recognized by courts, and allows agencies to quickly obtain information, while providing private entities the necessary protection from lawsuits based on the unauthorized release of private information.

Mr. President, the private entities involved, such as telephone companies, have a good record of complying with these requests, and working with agencies within the constraints of the law. Given that fact, and an expressed desire on the part of industry to be able to continue those efforts under this legislation, this minor change needs to be made. Otherwise, we could see a new problem arise with less timely compliance on the part of industry, if the protections of an administrative subpoena are not guaranteed.

As I mentioned before, I thank the committee for their assistance and for accepting this amendment.

AMENDMENT NO. 4908

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

On page 411, between lines 2 and 3, insert the following:

''(4) FAMILIES UNDER CERTAIN AGREEMENTS.—In the case of a family receiving assistance from an Indian tribe, distribute the amount so collected pursuant to an agreement entered into pursuant to a State plan under section 454(33).

On page 411, line 3, strike ''(3)'' and insert ''(4)''.

On page 554, between lines 7 and 8, insert the following:

SEC. 2375. CHILD SUPPORT ENFORCEMENT FOR INDIAN TRIBES.

(a) CHILD SUPPORT ENFORCEMENT AGREEMENTS.—Section 454 (42 U.S.C. 654), as amended by sections 2301(b), 2303(a), 2312(b), 2313(a), 2333, 2343(b), 2370(a)(2), and 2371(b) of this Act is amended—

(1) by striking ''and'' at the end of paragraph (31);

(2) by striking the period at the end of paragraph (32) and inserting ''; and'';

(3) by adding after paragraph (32) the following new paragraph:

''(33) provide that a State that receives funding pursuant to section 428 and that has within its borders Indian country (as defined in section 1151 of title 18, United States Code) may enter into cooperative agreements with an Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), if the Indian tribe or tribal organization demonstrates that such tribe or organization has an established tribal court system or a Court of Indian Offenses with the authority to establish paternity, establish, modify, and enforce support orders, and to enter support orders in accordance with child support guidelines established by such tribe or organization, under which the State and tribe or organization shall provide for the cooperative delivery of child support enforcement services in Indian country and for the forwarding of all funding collected pursuant to the functions performed by the tribe or organization to the State agency, or conversely, by the State agency to the tribe or organization, which shall distribute such funding in accordance with such agreement; and

(4) by adding at the end the following new sentence: ''Nothing in paragraph (33) shall void any provision of any cooperative agreement entered into before the date of the enactment of such paragraph, nor shall such paragraph deprive any State of jurisdiction over Indian country (as so defined) that is lawfully exercised under section 402 of the Act entitled 'An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes', approved April 11, 1968 (25 U.S.C. 1322).''.

(b) DIRECT FEDERAL FUNDING TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Section 455 (42 U.S.C. 655) is amended by adding at the end the following new subsection:

''(b) The Secretary may, in appropriate cases, make direct payments under this part to an Indian tribe or tribal organization which has an approved child support enforcement plan under this title. In determining whether such payments are appropriate, the Secretary shall, at a minimum, consider whether services are being provided to eligible Indian recipients by the State agency through an agreement entered into pursuant to section 454(33).''.

(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—Paragraph (7) of section 454 (42 U.S.C. 654) is amended by inserting ''and Indian tribes or tribal organizations (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' after ''law enforcement officials''.

(d) CONFORMING AMENDMENT.—Subsection (c) of section 428 (42 U.S.C. 628) is amended to read as follows:

''(c) For purposes of this section, the terms 'Indian tribe' and 'tribal organization' shall have the meanings given such terms by subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), respectively.''.

Mr. MCCAIN. Mr. President, I thank my colleagues, Senators INOUYE, DOMENICI, and DASCHLE, for joining me in offering this important amendment.

The amendment is similar to provisions adopted by the Senate during debate last year on H.R. 4, the original welfare reform bill. The amendment has bipartisan support, and as revised, is now endorsed by the National Council of State Child Support Enforcement Administrators.

The non-controversial amendment I am offering should be adopted because it addresses a long-standing problem which Indian tribes and States have both experienced in providing child support enforcement services and funding affecting Indian children.

The amendment would further the goals of enforcing child support enforcement activities by encouraging State governments with Indian lands within their borders to enter into cooperative agreements with Indian tribal governments for the delivery of child support enforcement services in Indian country. Let me repeat—the cooperative agreements would be encouraged; they would not be mandated.

The amendment provides funding to achieve these purposes within the overall spending allocated to this effort. It gives the Secretary the authority, in specific instances, to provide direct Federal funding to Indian tribes operating an approved child support enforcement plan. This approach is consistent with the government-to-government relationship between tribal governments and the Federal Government, and the other provisions contained in the reconciliation measure.

Mr. President, the problem is this—title IV–D of the Social Security Act

was enacted to assist all children in obtaining support and moving out of poverty. Under title IV–D, State child support offices are required to provide basic services to parents who apply for these services, including those that receive welfare assistance. These services include collecting and distributing child support payments from dead beat dads. Yet this program has been of little assistance to Indian children residing in Indian country because under title IV–D, only States are eligible to receive Federal funds to operate IV–D programs under Federal regulations which, as a practical matter, all but prohibits them from providing services to Indian children on reservations. Because of this, Indian children have lost, and will continue to lose, vitally-needed services.

Mr. President, there is a great need for child support enforcement funding and services in Indian country. There are approximately 557 federally-recognized Indian tribes and Alaska Native villages in the United States. According to the most recent Bureau of Census data, children under the age of 18 make up the largest age group of Indians. Approximately 20.5 percent of American Indians and Alaska Natives are under the age of 10 compared to 14 percent for the Nation's total population. In addition, one out of every five Indian households are headed by single females. This data reveals that the need for coordinated child support enforcement and service delivery in Indian country exceeds the need in the rest of America.

There are also jurisdictional barriers to effective service delivery under IV–D programs on Indian reservations. Federal courts have held that Indian tribes, not States, have authority over Indian child support enforcement issues and paternity establishment of tribal members residing and working on the reservation. These jurisdictional safeguards, although necessary, have hampered State child support agencies in their efforts to negotiate agreements for the provision of services or funding to Indian tribal governments. The types of services provided under title IV–D include genetic blood testing and other measures used to establish paternity, and the establishment and enforcement of child support obligations through wage withholdings and tax intercepts. These activities fall within the exclusive jurisdiction of the Indian tribes for reservation residents. Yet there is no mechanism to enable tribes to receive Federal funding and assistance to conduct these activities.

This amendment in no way forces or compels an Indian tribe or State to act, nor does it affect well-established State or tribal jurisdiction to establish paternity or support orders. It merely recognizes the problems of child support collection and distribution between States and tribes as they exist under the current system. Simply put, this amendment encourages cooperative agreements between two governments to satisfy the goals and purposes of uniform child support enforcement. Let me just point out that some of these agreements are already in place in States like Washington and Arizona.

State administrators, such as in my own State, have attempted to meet the goals of uniform child support enforcement by extending their efforts to Indian country, but the administrative and jurisdictional hurdles make it all but impossible to get these services out to the children in need. These obstacles have lead to costly litigation. The ability of State governments to work with tribal governments to provide these services is quite limited because Indian tribes are not mentioned in title IV–D. The amendment would clarify that Indian children are entitled to the same protections from deadbeat dads as all other children in our country.

Mr. President, this problem is not new to those involved in State child support enforcement agencies or national organizations concerned with these issues. For instance, in 1992, the American Bar Association and the Interstate Commission on Child Support Enforcement recognized the problems created by the omission of Indian tribes from the title IV–D legislation. In fact, the American Bar Association issued a handbook for States and tribes to use in attempting to negotiate State/tribal cooperative agreements for child support enforcement. Also in an extensive report issued in 1992, the Interstate Commission on Child Support Enforcement recommended that the Congress address this problem in Federal legislation. Until now, nothing has been done to implement this recommendation.

More recently, I received a letter from the President of the National Council of State Child Support Enforcement Administrators in support of the amendment I am offering. Mr. President, I ask unanimous consent that a copy of the letter appear in the RECORD following my remarks.

I will also say that there are several other weaknesses in our welfare reform bill that I remain very concerned about, issues raised by Indian tribes that have not been adequately addressed. The amendment I am offering does not address those concerns. But I want to take this opportunity to briefly outline the deficiencies I see.

The welfare reform legislation we have before us eliminates the Child Protection Block Grant Program. I am concerned because the elimination of this program takes away the funding that tribes currently receive under the title IV–B child welfare programs.

Currently tribes receive funding under the title IV–B, subpart 1 program, known as child welfare services. The Secretary is directed to make grants to tribes, but the law does not specify a particular amount. Previous HHS regulations were very restrictive, and required that only those tribes which contracted under the Indian Self-Determination Act for all BIA social services were eligible for the IV–B, subpart 1 program. The result was that relatively few tribes were able to access this program. But HHS has recently revised, and greatly improved, the regulations for funding to tribes. Beginning in fiscal year 1996, HHS changed the IV–B Subpart 1 regulations to drop the requirement that only those tribes which contract for BIA social services would be eligible. The new regulations also increased the weight given to tribes in the formula, and they combined the IV–B incentive funds with the regular program, thus making more money available. Tribes are still in the process of applying for Title IV–B, subpart 1 funds under the new regulations. HHS Region X reports that the fiscal year 1996 applications from tribes thus far represent a 3-fold increase over those of 2 years ago. And they expect more tribes to apply before the end of the fiscal year.

Tribes also receive under current law a statutory 1 percent allocation under the title IV-B, subpart 2, Family Preservation and Support Services. But the welfare reform bill under consideration in the Senate today removes all funding for the child protection block grant program, meaning that Indian tribes will likely lose these funds.

The House version of the bill, however, does provide for funding for the Child Protection Block Grant, including Indian tribes. Under the House bill, there are two streams of funding for the Child Protection Block Grant. First, under the House bill, Indian tribes would receive 1 percent of funds under the mandatory money, or about $2.4 million annually. And tribes would be authorized to receive .36 percent, or about ⅓ of 1 percent of the discretionary stream of funding. If the discretionary program is fully appropriated, tribes would receive about $1 million under this section of the Child Protection Block Grant. This .36 percent reflects the amount tribes received under the very restrictive title IV-B, subpart 1 regulations.

I urge the conferees to adopt a figure which would reflect the amount of IV-B, Subpart 1 funds tribes would receive under the new regulations. As a rule, the relative funding levels provided to Indian tribes should, at the very least, not be reduced below previous levels. I have refrained at this time from offering amendments in the Senate in the hope that the conferees will ensure that Indian tribes are at least held harmless on these funds in the final version of the bill at conference. I urge the conferees to adopt the House approach in providing direct funding to tribes under the Child Protection Block Grant. We should make the funding under the discretionary program consistent with the mandatory funding in the Child Protection block grant and provide at least 1 percent for tribes.

With that, Mr. President, I ask that my colleagues accept the amendment I am offering today that would allow

States and Indian tribes to cooperate on child support enforcement activities.

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

NATIONAL COUNCIL OF STATE CHILD SUPPORT ENFORCEMENT ADMINISTRATORS, *July 18, 1996.*

Re Senator McCain's Senate Floor amendment to Senate bill 1956, the Balanced Budget Reconciliation Act.

Hon. JOHN MCCAIN, *Chairman,*
Senate Committee on Indian Affairs,
Hon. WILLIAM V. ROTH, *Chairman,*
Senate Finance Committee,
Hon. PETE V. DOMENICI, *Chairman,*
Senate Budget Committee, Washington, DC

GENTLEMEN: I am writing you on behalf of the National Council of State Child Support Enforcement Administrators (NCSCSEA) in reference to the amendment offered on the Senate floor by Senator McCain regarding child support enforcement services to Native Americans.

The amendment has been reviewed by the members of NCSCSEA's Committee on Native American Children. Although not all members of the Committee have responded on the amendment, a majority of the Committee members have indicated their support of it. Therefore, I feel comfortable expressing NCSCSEA's support for this amendment.

We feel this is an important step toward the goal of providing all children the benefits of child support enforcement. On behalf of NCSCSEA, I want to express our appreciation to Senator McCain for his efforts on this important issue.

Sincerely,

LESLIE L. FRYE,
President.

AMENDMENT NO. 4909

(Purpose: To require a State plan for foster care and adoption assistance to provide for the protection of the rights of families, using adult relatives as the preferred placement for children separated from their parents where such relatives meet the relevant State child protection standards)

At the end of chapter 7, of subtitle A, of title II, add the following:

SEC. ___. KINSHIP CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(18) provides that States shall give preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards.''.

Mr. COATS. Mr. President, each year, scores of abused, neglected, and abandoned children are herded into the world of child protection to be cared for by strangers. For many of these children, foster care will be a refuge, for others, a nightmare. Being separated from a parent is never easy, but we can make the transition smoother by looking to relatives when a child must be removed from his home.

And so I wish, with my colleague from Oregon, to introduce the kinship care amendment. This amendment encourages States to use adult relatives as the preferred placement option for children separated from their parents. We are introducing this amendment because we feel strongly that if a child has to be separated from their parents for a period of time, that separation should be as smooth as possible.

Kinship care is a time honored tradition in most cultures. Care of children by kin is strongly tied to family preservation. These relationships may stabilize family situations, ensure the protection of children, and prevent the need to separate children from their parents and place them in a formal foster care arrangement within the child welfare system.

Yet, rather than encourage relative or kinship care some States have made it increasingly difficult for relatives to provide care for their own. Immense financial, emotional, and regulatory challenges are often barriers willing kinship caregivers.

The amendment I am offering is consistent with current law. The Adoption Assistance and Child Welfare Act of 1980, Public Law 96–272, requires that when children are separated from their parents and placed in the custody of a public child welfare agency, the State must place them in the least restrictive alternative available. While relatives are not expressly mentioned, this requirement has been interpreted by many child welfare practitioners as a preference for placement with relatives when separation from parents must occur.

Mr. President, this amendment is also consistent with previous positions I have taken on this matter. In S. 919, the 1995 amendments to the Child Abuse Prevention and Treatment Act which was passed unanimously by the Labor Committee, includes a kinship care demonstration project. This demonstration project, which is administered by the Secretary of HHS, awards grants to public entities to assist in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, when those relatives are found to be capable of providing a safe, nurturing environment for the child.

Additionally, S. 1904, the Project for American Renewal, includes The Kinship Care Act which creates a $30 million demonstration program for States to use adult relatives as the preferred placement option for children separated from their parents.

Mr. President, this country is truly facing a very serious crisis concerning many of our children.

By the end of 1992, 442,000 children were in foster care, up from 276,000 in 1985, at a Federal cost in fiscal year 1993 of $2.6 billion. The population of children in foster care is expected to exceed 500,000 by the end of 1996.

The National Foster Parent Association reports that between 1985 and 1990, the number of foster families declined by 27 percent while the number of children in out of home care increased by 47 percent.

Children placed for foster care with relatives grew from 18 percent to 31 percent of the foster care caseload from 1986 through 1990 in 25 States that supplied information to the Department of Health and Human Services.

Children in kinship care are less likely to experience multiple placements than their counterparts in family foster care. Of the children who entered California's foster care system in 1988, for example, only about 23 percent of those placed initially with kin experienced another placement, while 58 percent of children living with unrelated foster families experienced at least one subsequent placement during the following 3.5 years.

This amendment will: Ensure that grandparents and other adult relatives will be first in line to care for children who would otherwise be forced into foster care or adoption; strengthen the ability of families to rely on their own family members as resources. It will also help soften the trauma that occurs when children are separated from their parents. Living with relatives that they know and trust will give these children more immediate stability during this painful transition; and provide a hopeful alternative to traditional foster care.

I hope that all my colleagues can see the critical importance of ensuring that children who are in need of out-of-home placement will be placed with relatives who they know and trust, rather than strangers. Please join me and Senator WYDEN in supporting the kinship care amendment.

The PRESIDING OFFICER. Under the previous order, those amendments now are agreed to.

The amendments (Nos. 4906 through 4909), en bloc, were agreed to.

Mr. ROTH. I yield back the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 4910

(Purpose: To ensure needy children receive noncash assistance to provide for basic needs until the Federal 5-year time limit applies)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 4910.

Mr. BREAUX. 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:

Section 408(a)(8) of the Social Security Act, as added by section 2103(a)(1), is amended by adding at the end the following:

''(E) EFFECTS OF DENIAL OF CASH ASSISTANCE.—

''(i) PROVISION OF VOUCHERS.—In the event that a family is denied cash assistance because of a time limit imposed under this paragraph—

''(I) in the event that a family is denied cash assistance because of a time limit imposed at the option of a State that is less

than 60 months, a State shall provide vouchers to the family in accordance with clause (iii); and

''(II) in the event that a family is denied cash assistance because of the 60 month time limit imposed pursuant to this paragraph, a State may provide vouchers to the family in accordance with such clause.

''(ii) OTHER ASSISTANCE.—The—

''(I) eligibility of a family that receives a voucher under clause (i) for any other Federal or federally assisted program based on need, shall be determined without regard to the voucher; and

''(II) such a family shall be considered to be receiving cash assistance in the amount of the assistance provided in the voucher for purposes of determining the amount of any assistance provided to the family under any other such program.

''(iii) VOUCHER REQUIREMENTS.—A voucher provided to a family under clause (i) shall be based on a State's assessment of the needs of a child of the family and shall be—

''(I) determined based on the basic subsistence needs of the child;

''(II) designed appropriately to pay third parties for shelter, goods, and services received by the child; and

''(III) payable directly to such third parties.

Mr. BREAUX. Mr. President and my colleagues, this is the amendment that has been referred to as the so-called voucher amendment which we have authored.

I would point out that the legislation which originally came to the Senate from the House was much more reasonable in this area than the bill that is now before the Senate, which is the reason for this amendment.

What we are basically talking about is the situation of what happens to children after we cut off a parent from a welfare program. Everybody wants to cut the parent off if they are not doing what they are supposed to be doing. We want to really be tough on parents. We are really going to be tough about work. We want to put work first. But we should not put children last.

That is what I am trying to get at. I do not think there is a lot of difference between the position of my Republican colleagues and Democrats on this issue. We have time limits on the bill. Everybody agrees we ought to have time limits now. At least most people agree we ought to have time limits. We said in this legislation there was going to be a maximum period of time someone could be on welfare, and after that, they are off.

A State under our legislation can pick a time limit of shorter than 5 years. They can make it 24 months. My State is probably going to do that. Many other States are going to make it a lot shorter than 5 years.

So we are saying to parents, we are going to be very tough on you; we are going to make you realize that welfare is not forever, that it is temporary. We want you to get a job. We want you to go to work. We want you to earn a check and not just get a check.

That is what all of this debate is basically about, trying to get people off welfare into the work force. I agree with that. I think most people in this body share that desire as well. Let us face it. Most people on welfare are not parents. Most people on welfare are children. And the majority of those children are young children. The majority of those children cannot get a job. They cannot work. Most of them do not even go to school because they are too young.

So the point is, when we get tough on parents, fine, but how many people want to get tough on innocent children who did not ask to be born? I think we as a Nation have a responsibility to make sure that while we get as tough as we can on parents, we do not harm innocent children at the same time.

Here is the problem. Under the Republican plan that is now pending before the Senate, if, after 5 years, a person is taken off welfare, there can be no assistance to children. There cannot be any vouchers to children. There can be no noncash assistance to children after 5 years. They are gone. I can agree that the parent may be gone as far as Federal assistance or State assistance. I do not agree that a young, innocent child, maybe 2 or 3 years old, should be neglected and forgotten by their country.

That is the principal problem, because it forbids any type of assistance even to children, which are the majority of the people on welfare. Two-thirds of all people on AFDC assistance are children. In my State of Louisiana, 34.5 percent of all children are living in conditions below the poverty line—34.5 percent of the children living in Louisiana are at the poverty level or lower. So why should I as a Senator say that after the parent is taken off welfare, I am also for taking the child off any help or assistance?

Is that what America is all about? I suggest it is not. We ought to be talking about putting children first in what we are trying to do for the future. The Republican plan, if the State takes a 2, 3 or 4-year period, allows them to give assistance but does not require it. And this is Federal money.

In my State, the State puts up 28 percent, and the Federal Government puts up 72 percent. Should we not, as managers of the money we raise, say to the States they should use those funds to take care of innocent children?

So the Breaux amendment which is now pending says to States, after 5 years, they can use funds that they are getting in their block grant to help children, and it requires the States to do that if they pick a period to cut off the parent in a period shorter than 5 years.

Let me tell you what we do with the amendment. It is absolutely, totally flexible in what it would allow. No. 1, the State, as they do when they select people on welfare, does an assessment. They do an assessment that determines whether this family should be on welfare. They know what the income level is; they know if they have a house or a car or truck or clothes or what have you. They make an assessment. They decide whether the person is eligible for welfare assistance or not. They know things about the family already.

What my amendment simply says is that a voucher under conditions that we have set out—for instance, mandating it if the period is less than 5 years—shall be based on the State's assessment of the needs of the child. The State makes the determination that the child is needy. If they make a determination that the child is in need, then that State will pay to third parties, for shelter, for goods, for services, clothing for the child if they need clothes, diapers if it is an infant and they cannot afford diapers in the family, a crib or medicine. How many people want to say we are not going to provide medicine for an innocent child because we kicked the child off welfare? How many people want to say we do not want to pay for medicine you need to survive? Or how many people want to say if the child wants to go to school and has no money to buy school supplies, that we, as a nation, are going to say to the children of America we are not going to help you buy school supplies to go? That is all we are saying.

We are telling the State: You make the assessments. You determine if there is a need. If you determine there is a need, for heaven's sake, let us make sure we take care of the child. Not with cash. There is no money here. We are talking about in-kind vouchers so they could go to a third party: Maybe it is a Wal-Mart, maybe it is the local drug store, maybe it is a grocery store to get the food, but to take care of the child. The parent does not get the cash. There is no cash. The third party would get it, under my amendment, payable directly to third parties. The third party gets the money and uses those funds to take care of the children who did not ask to be born, who are innocent victims here. And we better start treating them better or we are going to have more people on welfare, not less.

Are we going to allow children to get sick and just neglect them? Some say there is Federal money available under title 20. Great, $2 billion a year and it goes to the elderly and goes to programs like Meals on Wheels and child care and everything else. Some will say this title 20, they can use it for that. ''There ain't no money left.'' There is no money in title 20. It has been frozen practically since we instituted the program. If they have food stamps, then the State determines that if the child is getting food stamps they do not need any of this.

Really, what we are saying is let us be fair and treat children fair in this country. Let us be as tough as we possibly can on the parent who refuses to work. But for heaven's sake, we as a nation owe something to the children of America. The Breaux amendment, I think, would do just that.

I reserve any time I may still have left.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I yield myself 5 minutes.

Mr. President, this is a nice idea that is unnecessary. The current legislation very well takes care of what problem the Senator from Louisiana has laid out in his vouchers for children amendment. The Senator from Louisiana suggests, and correctly suggests, in the first 5 years of the program, when someone enters the program, under the Republican bill the States are allowed—are allowed to provide a voucher program for those who disqualify themselves, usually, in most cases, because they refuse to comply with the law there, by not working. I should say those are people who are still eligible for a voucher. The States can use Federal dollars to provide those vouchers. OK? So it allows the State to provide a voucher using Federal dollars.

What the Senator from Louisiana wants to do is, frankly, an additional cost to the State and not a requirement of the State. What he requires the State to do is an assessment after someone has broken their eligibility for welfare within the 5-year time period. He requires the State to do an assessment of the family to determine whether the children in that family are in need now, now that mom has decided not to go to work.

So, an additional assessment is necessary under his plan. So they are required to do the assessment. What they are not required to do is provide a voucher. It is up to the State whether they want to provide that voucher or not. That, to me, is a cost and the State will say: Look, if you are going to make us do the assessment we will spend the money we would have spent maybe providing the vouchers, doing the assessment and not help anybody. So I think it is well intentioned but it could actually have the reverse effect, of getting fewer vouchers approved for those people within that 5-year window.

On the other side of the 5-year window, again I think the Senator from Louisiana has missed the mark. He is correct, his amendment allows States to use the block grant funds for the AFDC block grant. It allows them to use those funds for vouchers after 5 years. That is what his amendment does. Our bill does not allow you to use the block grant funds in the AFDC block grant, now it is called the TANF block grant, for vouchers. But what we do allow under current law is to use title 20 block grant money for that provision of services.

So there are several block grants we are giving to the State. One is the block grant to the States for social services. It is an existing block grant and there is nothing in this law—in fact I will read it. ''Services which are directed at the goals set forth in this section, 2001, include, but are not limited to . . .'' and it includes child care services and a whole bunch of other things. It is very clear within this block grant, the Governors, the legislature if they want to provide it, can give Federal dollars for a voucher program after the 5-year time limit is expired. They have Federal dollars right here to do it.

We are all talking about the same pot of money. The Senator from Louisiana does not put up more money to provide vouchers after 5 years. We have the same pots of money here. All we are suggesting is we want—and here is the difference. If you want to know the difference between what the Senator from Louisiana wants to do and what the Republican bill wants to do—I should put it this way.

The Republicans want all the block-granted funds for AFDC to go in the first 5 years, to concentrate that money to get people off welfare. We do not want any of those funds diverted to maintain people on welfare. We want all that money spent in the first 5 years. We believe we want every conceivable dollar we can get to get people up and going and off so we do not have to worry about the next 5 years.

By spending less the first 5 you guarantee people will be there at the end, and we do not want to do that. We want to make sure it is all spent. If there is a problem after the 5-year period, then we will say: Look, there are some other Federal dollars out here. If you want to use those dollars, you are certainly welcome to use those dollars. In addition, obviously there is nothing in either of these bills that prohibits the State from using State dollars to fund a voucher program after the 5-year period.

Mr. FORD. Will the distinguished Senator yield for one question?

Mr. SANTORUM. I will be happy to yield.

Mr. FORD. Did the Republican welfare bill that was passed last year, the one that was proposed last year, have in it the same thing that the Senator from Louisiana is trying to propose now? In this bill have you restricted it more than the previous bill?

Mr. SANTORUM. You have two questions there, actually, in order to give the answer.

The PRESIDING OFFICER. The Chair will say to the Senator, the time of the Senator has expired.

Mr. SANTORUM. I yield myself an additional 30 seconds.

It is restrictive in some respects; in some it is not. We do not require in the first 5 years—in the original bill you have to do these reviews and have to provide some service, so that is not the same. The Breaux amendment in fact goes further. In the second 5 years there was an allowance in the conference report, I believe, and I can check on that, that after 5 years they could use Federal funds.

Mr. FORD. I say to the Senator I do not believe—you allowed noncash——

Mr. SANTORUM. Correct.

Mr. FORD. At the discretion of the State. Now you are not allowing it, you are cutting it off at the end of 5 years.

Mr. SANTORUM. I think that was in the conference report and not the Senate bill, but I will check on that.

Mr. FORD. It was somewhat different. You allowed it before and now you say you cannot.

Mr. SANTORUM. But we do not go as far as, I believe in the wrong direction, the Breaux amendment goes at this time.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes and 50 seconds.

Mr. BREAUX. Mr. President, let me just make a couple of comments. I do not want to belabor this point. When the Senate votes tomorrow, it is going to be faced with the question of how do we do welfare reform? Do we do welfare reform by being tough on parents who refuse to work? Or are we going to be tough on kids who do not have a choice in life?

I think this country, as strong as we are, should be as tough as we possibly can on deadbeat parents or parents who do not want to work or refuse to work, whatever the reason. But we should not take it out on innocent children who did not ask to be born.

This amendment simply says that, after a family has been taken off AFDC assistance, we should at least allow the States to use their block grant money they already get to pay for vouchers to give to third parties to provide for the needs of children whose parents have been kicked off AFDC assistance.

This is a child, and most of the people on welfare are children. Over two-thirds are children, and those children are poor children. I am merely saying with my amendment that we should at least allow—and the Republican bill says it is forbidden—at least allow a State to use its block grant money to aid a child with in-kind assistance, not with cash dollars to the parent, not with cash money to the child, but in-kind contributions to help that child survive, in many cases in terms of getting food, in terms of getting clothing, in terms of getting diapers, yes, or in terms of getting medicine.

The Republican bill forbids it. This amendment says we allow the State to do it. It simply says, if the State is going to cut them off after a shorter period of time, we ought to require them to do that. The State makes a determination whether there is a need. The State makes a determination what kind of benefits they get, how much and for how long. This is truly in keeping with the block grant concept that the States should have the maximum flexibility in this particular area.

The National Governors' Association endorses this, and a majority of them are Republicans. They said, ''Don't prevent us from doing this if we want to do it.'' That is the NGA position. They have sent a formal, written letter to those of us on the committee which

says, ''Please do not prohibit us from helping children if we want to help children.''

The Republican bill is absolutely contrary to the NGA position. Even more, it is contrary to what this country is about, and that is give an opportunity for children to survive.

I think without this amendment we make a very strong statement that we are going to be so tough we are going to step on the rights and futures of the children of this country. That is not what this Congress is about; that is not what this country is about. I suggest this amendment be adopted.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. SANTORUM. Mr. President, I want to make two quick responses. No. 1, the Senator from Kentucky is absolutely right, it was in the conference report, but I tell the Senator from Kentucky, it was not in the House bill, it was not in the Senate bill, and I have been informed by staff it was a drafting error in the conference report. It was a mistake on the part of the drafters in putting that in. It was not intended policy by either body to include what the Breaux amendment does.

I think one of the reasons is—and I get back to the fact that there are Federal dollars out there for the States to use for that last 5 years, and I think that is more than generous and complies with what the Governors want to do, which is to have Federal dollars available for the voucher program after the 5-year period.

Mr. FORD. Mr. President, may I just say to the Senator from Pennsylvania, it is strange to blame staff.

Mr. ROTH. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes 30 seconds remain.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I reiterate what my distinguished colleague from Pennsylvania has said. First of all, the States are still free to use title XX money for whatever purpose they see fit. So it is not accurate to say that funds are shut off so that children cannot be helped.

I point out that even with the 5-year time limit to implement the important welfare reforms we are considering, families receiving Government assistance will still be eligible for more than 80 means-tested programs. That is quite a few. These programs range from food stamps, WIC, health care, to section 8 low-income housing. In other words, placing a 5-year time limit on implementing our welfare reform package is not Government pulling away a lifeline; rather, it is Government encouraging people to swim and giving them the time necessary to learn.

Mr. President, I believe we must keep the 5-year time limit, and I encourage my colleagues to see that we do. I encourage them to join me in seeing that real and necessary reforms take place in a real and positive way.

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

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. ROTH. Mr. President, I make a point of order against the Breaux amendment on the grounds that it is nongermane under sections 305 and 310 of the Budget Act.

Mr. BREAUX. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive all applicable points of order under that act for the purposes of the Breaux amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be delayed under the previous order.

Mr. BIDEN. Mr. President, what is the order of business? Was there agreement as to the order? I was not sure whether the Senator from North Carolina—I am told he has 3 minutes; is that correct? I do not want to usurp his order.

Mr. FAIRCLOTH. I think the order is Senator ABRAHAM.

The PRESIDING OFFICER. The Chair will clarify it was not a unanimous consent agreement, it was a general understanding that the Senator from North Carolina would proceed.

Mr. BIDEN. As I understand it, Mr. President, it was a general understanding that after the Senator from North Carolina finished, the Senators from Pennsylvania and Delaware would have the floor to offer their amendment. That was my understanding. I know it is not a UC.

The PRESIDING OFFICER. I have Senator FAIRCLOTH, Senator BIDEN, Senator Santorum.

Mr. BIDEN. I assume we will do that. If we do not, I will not yield the floor.

So I ask unanimous consent that upon the completion of the 6 minutes on the Faircloth amendment, then myself and Senator SPECTER be recognized to offer our amendment.

The PRESIDING OFFICER. Is there objection to that?

Mr. WELLSTONE. Mr. President, I have been trying to get——

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. WELLSTONE. Reserving the right to object, can I ask unanimous consent that I be in order after the Biden-Specter amendment?

Mr. SANTORUM. No. I object.

Mr. DOMENICI. We already placed the Senator from Minnesota and indicated when he is going to come up. We indicated that at least informally.

Mr. WELLSTONE. When is that? I might ask.

The PRESIDING OFFICER. The Chair informs the Senator from Minnesota, the Senator from New Mexico is correct. Under a general agreement, not a unanimous-consent agreement, the Senator is due to be recognized after the Senator from Missouri, Senator ASHCROFT.

The Chair will clarify: Senators FAIRCLOTH, BIDEN, SANTORUM, HARKIN, ASHCROFT, WELLSTONE, GRAHAM and DODD.

Mr. DOMENICI. Wellstone has two.

Mr. FORD. Wellstone has two.

The PRESIDING OFFICER. That is correct.

Mr. FAIRCLOTH. Mr. President, I am ready to proceed.

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

AMENDMENT NO. 4911

(Purpose: To address multi-generational welfare dependency)

Mr. FAIRCLOTH. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 4911.

Mr. FAIRCLOTH. 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 245, line 22, insert ''and subparagraph (C),'' after ''(B)''.

on page 249, between lines 14 and 15, insert the following:

''(C) REQUIREMENT THAT ADULT RELATIVE OR GUARDIAN NOT HAVE A HISTORY OF ASSISTANCE.—A State shall not use any part of the grant paid under section 403 to provide cash assistance to an individual described in subparagraph (B)(ii) if such individual resides with a parent, guardian, or other adult relative who is receiving assistance under a State program funded under this part and has been receiving this assistance for a 3-year period.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. FAIRCLOTH. Mr. President, this amendment is intended to address the problem of multigenerational welfare dependency. In other words, this is an attempt to cut off the money, to break the cycle of welfare dependency.

The bill before us requires that minor children be required to live with the parent to receive assistance. I agree with this. But, unfortunately, in many cases that parent or, as it might turn out to be, grandparent to the child to be born, has a history of dependency herself and has continuously for a long time been dependent upon welfare and Aid to Families with Dependent Children, to cash payments. My amendment says simply that if the parent is currently receiving welfare, and has been for a 3-year period, that the minor may not receive cash benefits.

This amendment is not intended to reduce benefits. States are not prohibited from giving noncash benefits. This amendment will simply prevent more cash from going to a household with a clear history of welfare dependency. In its very simplest terms, if the grandmother of this child to be born or that has just been born has been on welfare for 3 continuous years, then the mother of the child cannot receive a check,

a cash check benefit. She can receive all other benefits, food stamps, diapers, whatever would be appropriate, medical care. But two cash checks cannot go to the same household.

Mr. President, I think this is what we are trying to do, to cut out the dependency upon direct Government taxpayers' cash money. This will do it in this case. I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina does have 30 seconds remaining. Who yields time?

Mr. FORD. Mr. President, I do not believe there is anyone on our side who would like to take the 3 minutes. I understood the Senator from North Carolina yielded back his time.

Mr. FAIRCLOTH. I yield back my time.

Mr. FORD. On behalf of the floor manager, I yield back the 3 minutes on our side.

The PRESIDING OFFICER. All time is yielded back. All time on the amendment has expired.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 4912

(Purpose: To provide for a complete substitute.)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself and Mr. SPECTER, proposes an amendment numbered 4912.

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

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

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

Mr. BIDEN. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the pending amendment is the substance of a bill which the distinguished Senator from Delaware, Senator BIDEN, and I introduced some time ago, Senate bill 1867. This bill was introduced as a companion bill to H.R. 3266, which was a bipartisan bill introduced by Congressman CASTLE of Delaware and Congressman TANNER.

The purpose of this effort was to try to find a bipartisan way to move to agreement on welfare reform. At that time, in the context of the muddled situation which was then presented, welfare reform was stalled because, after the Senate approved a welfare reform bill by a vote of 87 to 12, and the House passed its own bill, and then the conference report produced legislation which was divided pretty much along party lines, when the conference report came out of the Congress that bill was vetoed by the President.

There has been a general consensus in America that welfare reform is necessary with President Clinton's famous statement, ''We need to reform welfare as we know it.'' There has been a very considerable effort in both Houses to have welfare reform. When welfare reform was stalled, Congressman CASTLE and Congressman TANNER introduced the bipartisan bill in the House, and Senator BIDEN and I followed suit with a bipartisan bill in the Senate.

Thereafter, the Budget Committee reported out a new welfare reform bill, Senate bill 1956. Having started with a bipartisan effort with Senator BIDEN, I intend to continue that. It is my view that, in a side-by-side comparison of the committee report contrasted with the original Biden-Specter bill, our bill is preferable, although candidly they are very close.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, a 7-page summary of the comparison of the welfare reform proposals, of the budget reconciliation bill, S. 1956, compared to the Biden-Specter, bill be printed in the RECORD, together with a 1-page summary of the major differences in the welfare proposals.

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

(See exhibit 1.)

Mr. SPECTER. Briefly, Mr. President, I will itemize six of these issues which I believe show the superiority of the Biden-Specter bill over the committee report as embraced in Senate bill 1956.

The first difference is that the budget reconciliation bill eliminates child-care safety standards from existing law, whereas the Biden-Specter bill maintains those child-care safety standards, which I submit are very important.

The second significant difference in provisions is that in the Biden-Specter bill there is an individual responsibility contract, while the budget reconciliation bill has none. This individual responsibility contract is an agreement entered into by the Government on one side and the welfare recipient on the other, which specifies the responsibilities of each, which I submit is a significant step forward and is desirable to have in the legislation.

The third significant activity is that the Biden-Specter bill provides funding for work-activities funding, which is a very important element. There is some contention that this may put us out of order in terms of funding, but it is my understanding that on the Castle-Tanner bill, the identical bill, there was a budget estimate which puts us within the appropriate range.

The fourth significant difference is on the safety net provisions. The budget reconciliation bill has the States prohibited from using Federal funds to provide vouchers after the 5-year time limit. Under Biden-Specter, there is a State option for such benefits, to both children and adults, after 5 years. It is my submission that leaving the State option is preferable to having an absolute Federal prohibition in line with the general theory of leaving the State options.

The fifth significant difference relates to food stamps, where there is a retention of the entitlement under the Biden-Specter bill, contrasted with the budget reconciliation bill, which gives a State option for a block grant.

Overall, the Biden-Specter bill does not contain entitlements. But on this one item, food stamps, there is a retention of this existing entitlement because of our consideration that food stamps are so important, so basic that there ought not to be the option for the States to eliminate food stamps.

The Sixth item relates to immigrant exceptions, where the Biden-Specter bill retains the exemptions or has an identical provision as to the retention of immigrant exceptions under the budget reconciliation bill as to exempting refugees, veterans, and military personnel. But we add to it disabled children, victims of domestic abuse, and all children in the case of food stamps.

Mr. President, we are in a very complex matter here. It is my hope that the Congress will adopt welfare reform legislation which will be signed by the President and that the gridlock will not continue. In maintaining my support for Senate bill 1867, I understand that the budget reconciliation bill, Senate bill 1956 has the support of a majority of Republicans, but having started all this effort to have a bipartisan legislative proposal with Congressmen Castle and Tanner joining Senator BIDEN and I, I intend to stay there.

I do believe there are some beneficial provisions which are included in Biden-Specter which are not present in the budget reconciliation bill. For these reasons, I urge Members to support this amendment which Senator BIDEN and I are proposing this evening.

EXHIBIT 1

COMPARISON OF WELFARE REFORM PROPOSALS

	Budget reconciliation (S. 1956, as approved by Finance and reported by Budget)	Bipartisan Reform Act (Biden-Specter, S. 1867) (Tanner-Castle, H.R. 3266)
GRANTS TO STATES		
Cash Assistance Block Grant	Ends AFDC entitlement and combines AFDC, EA, and JOBS into a block grant to the states. Funding totals $16.4 billion annually.	Same.

COMPARISON OF WELFARE REFORM PROPOSALS—Continued

	Budget reconciliation (S. 1956, as approved by Finance and reported by Budget)	Bipartisan Reform Act (Biden-Specter, S. 1867) (Tanner-Castle, H.R. 3266)
Maintenance-of-Effort	80% of FY 94 spending on AFDC and related programs. Percentage could be lowered to as low as 72% for ''high performance'' states (see performance bonus section below).	85% of FY 94 spending on AFDC and related programs. Percentage could range anywhere from 80% to 90%, depending on a state's success in meeting the work participation requirements.
Supplemental Grant	$800 million fund for states with high population growth and/or below average AFDC benefits.	Same.
Loan Fund	$1.7 billion loan fund, which must be repaid with interest within 3 years	Same.
Contingency Funds	$2 billion contingency fund for states with high unemployment rates or increases in food stamp caseload. State maximum equal to 20% of block grant. States must maintain 100% of state spending in order to tap contingency funds.	Same, except (1) minor differences in triggers to qualify; (2) if the fund is exhausted as a result of a national or regional recession, additional money would be added to the fund; and (3) state maximum equal to 40% of block grant minus the supplemental grant a state receives.
Work Activities Funding	No provision	$3 billion work fund available beginning in FY 1999 for states that maintain 100% of state spending on work programs and match federal funds at the Medicaid rate.
Illegitimacy Bonus	States that reduced their out-of-wedlock birth rates without increasing their abortion rates would be eligible for additional funding equal to 5% to 10% of block grant.	Same.
Performance Bonus	$200 million per year, beginning in FY 1999, available to states with ''high performance,'' as determined by a formula to be developed by HHS. Each state's performance bonus could not exceed 5% of block grant.	No provision.
CHILD CARE		
Child Care Block Grant	$13.8 billion over 6 years in guaranteed funding (annual amount increases each year). An additional $1 billion per year is authorized and subject to annual appropriations.	Same.
Child Care Maintenance of Effort	To receive funds above base allocation ($9.3 billion), states must maintain 100% of FY 94 or FY 95 spending on child care, whichever is greater, and match federal funds at the Medicaid rate.	Same, except states must maintain 100% of FY 95 spending on child care.
Transfer of Funds	States may transfer up to 30% of cash block grant to child care	States may transfer up to 20% of cash block grant to child care.
Health and Safety Standards	Eliminates health/safety standards for child care providers	Maintains health/safety standards for child care providers.
TIME LIMITS		
Time Limits	5 years (less at a state's option, but no less than 2 years)	Same.
Hardship Exception	States can exempt 20% of caseload from the time limit for reasons of hardship or abuse/extreme cruelty.	Same.
Safety Net	States prohibited from using federal funds to provide vouchers after the five-year time limit.	If states have time limit of less than 5 years, in-kind/voucher benefits must be provided to kids. State option for such benefits to both kids and adults after 5 years.
WORK		
Individual Responsibility Contract	No provision	To be eligible for benefits, individuals must sign an individual responsibility contract.
Work Requirements	Welfare recipients must work after two years of receiving assistance	Same.
Work Participation Rate	States must have the following percentages of welfare recipients working: FY 97—25%; FY 98—30%; FY 99—35%; FY 00—40%; FY 01—45% FY02—50%.	States must have the following percentages of welfare recipients working: FY 97—20%; FY 98—25%; FY 99—30%; FY 00—35%; FY 01—40%; FY 02—50%.
Financial Penalties on States	States that failed to meet the work participation rate would lose 5% of their block grant in the first year, 10% in the second year, 15% in the third year, etc.	No provision. (See maintenance-of-effort section above.)
Hourly Work Requirements	To count as work, individuals would be required to work the following hours each week: FY 97–98—20; FY 99–25; FY 00–01—30; FY 02—35.	To count as work, individuals would be required to work the following hours each week: FY 97–98—20; FY 99—25.
Work Requirement Exemption	State option to exempt from work requirement those with children under age 1, with one-year lifetime aggregate exemption per family. Those with children under age 6 are required to work 20 hours per week.	Same, except there is no one-year aggregate lifetime cap per family.
Child Care Exemption	States cannot penalize those who refuse to work if they have children under age eleven and cannot find or cannot afford child care.	Same, except applies to those with children under age six.
Work Activities	''Work'' is defined as employment; on-the-job training; work experience; community service; job search activities (for 4 weeks, or for 12 weeks if state unemployment exceeds national average); and vocational training (for 12 months and no more than 20 percent of caseload). Teenagers in secondary school would be considered ''working.''.	Same. Also, individuals leaving welfare for work, and working at least 25 hours per week, would count toward the state participation requirement for six months.
TEENAGERS		
Teen Parents	In order to receive cash assistance, unmarried teens under the age of 18 must stay in school and live at home or in another adult-supervised setting.	Same.
Denial of Benefits to Unmarried Minors	State option	Same.
Federal Strategy to Prevent Teen Pregnancies	Requires HHS to establish a strategy for preventing out-of-wedlock teen pregnancies and have a teen pregnancy prevention program in 25% of all U.S. communities.	Same.
OTHER CASH ASSISTANCE PROVISIONS		
Family Cap	Federal mandate, with state ability to opt out	Same.
Existing Waivers	States with existing welfare waivers would have the option to continue to operate under their waivers, regardless of the provisions of this bill. However, funding for that state would be the amount under the block grant.	Same.
Transitional Medicaid	Provides Medicaid coverage during a one-year transition period for those who leave welfare for work as long as family income is below the poverty line.	Retains current law of one-year transition Medicaid coverage for all welfare recipients who leave welfare for work.
State Accountability	States must establish procedures to ensure that eligibility and benefits are determined in a fair and equitable manner—and that similar families are treated similarly. States must have due process procedures for those denied assistance.	Same, except that the federal government must approve state welfare plans and therefore has oversight on fairness and due process requirements.
CHILD SUPPORT		
Licenses/Passports	Requires states to have laws suspending drivers, professional, occupation, and recreational licenses for overdue child support. Federal government will deny or suspend passports to those with arrears in excess of $5,000.	Same.
Paternity Establishment	Increases the paternity establishment rate from 75% to 90%. States that fail to meet this percentage would have their block grant reduced.	Same.
Distribution of Child Support	Beginning FY 1998, arrearages collected after family leaves welfare would be paid to family (unless collected through IRS intercept). Beginning FY 2001, pre-welfare arrearages would be paid to family (unless collected through IRS intercept). Ends $50 pass through.	Same.
Automation	States must have central registry of child support cases and support orders—and an automated directory of new hires. Also, states must operate a centralized unit to collect and disburse all child support orders. Increases funding for states for systems automation.	Same.
Individual Cooperation	Individuals receiving cash assistance who fail to cooperate in establishing paternity or collecting child support would have family benefit reduced at least 25%. States could deny all benefits to the family.	Same, except the minimum penalty would be the amount of family assistance attributable to the adult.
Interstate Enforcement	Requires states to enact Uniform Interstate Family Support Act and have expedited procedures for interstate cases. Creates forms for use in collection of interstate orders. Requires states to respond within 5 days to a request by another state for enforcement of an order.	Same.
Work Requirement	States must have procedures to ensure that noncustodial parents in arrears have a plan for payment or participate in work programs.	Same.
Grandparent Liability	State option to hold parents of noncustodial minor parent (the grandparents of the child receiving welfare) responsible for child support.	Same.
Health Care Support	Requires states to have procedures to ensure that all child support orders include the provision of health care benefits for the child.	Same.

COMPARISON OF WELFARE REFORM PROPOSALS—Continued

	Budget reconciliation (S. 1956, as approved by Finance and reported by Budget)	Bipartisan Reform Act (Biden-Specter, S. 1867) (Tanner-Castle, H.R. 3266)
Access/Visitation	Creates grants for states to establish programs and systems of access and visitation for noncustodial parents.	Same.
	SSI FOR CHILDREN	
Eligibility	Eliminates comparable severity standard, Individual Functional Assessment (IFA), and references to maladaptive behavior. Establishes new definition of disability for children.	Same.
Grandfather Clause	All children currently receiving SSI benefits must be reevaluated under the new definition. But, no child currently receiving benefits would be disenrolled before June 30, 1997.	Same, except that the earliest disenrollment date is January 1, 1997.
Continuing Reviews	Disability reviews must be conducted at least every three years for children under age 18. Representative payees must prove that children are receiving treatment for their condition. Eligibility would be determined using adult disability definition within one year of turning 18.	Same.
Privately Insured, Institutionalized Children	Benefits limited to $30 per month	Same.
Deeming of Parents Income	No provision	Disregards some income of the parents of disabled children to provide a monthly benefit for those with lower incomes that is greater than those with higher incomes. Medicaid eligibility would be retained for those who lose benefits under this provision.
Fraud	Individuals who have fraudulently misrepresented their residence in order to receive welfare, food stamps, or SSI benefits in more than one state simultaneously would be ineligible for benefits for 10 years. Benefits would not be available to fugitive felons.	Same.
	IMMIGRANTS	
Food Stamps/SSI	Current and future immigrants barred from receiving food stamps and SSI until attaining citizenship or working 40 quarters. Exempts the following people: *Refugees (first 5 years only) *Veterans/Active duty military and their dependents.	Same, except following people also exempted: *Children (food stamps only); *Disabled children; *Victims of domestic abuse.
All Other Means Tested Programs	Five-year ban on means-tested benefits for new immigrants, with same exceptions as food stamps/SSI. Ban does not apply to the following programs: *Emergency medical care; *Emergency disaster relief; *Child nutrition; *Immunizations; *Testing and treatment for communicable diseases; *Foster care and adoption assistance; *Higher education loans and grants; *Title I education for disadvantaged children.	Same, except for the additional people exempted under food stamps/SSI. Also, ban does *not* apply to Medicaid (but sponsor's income would be deemed; see below).
Deeming	Income of immigrant's sponsor deemed to immigrant for all federal means-tested programs until citizenship or 40 quarters of work.	Extends current law deeming requirement to Medicaid program. (Thus, deeming applies to cash benefits plus Medicaid.)
State Flexibility	State option to deny or restrict benefits under Medicaid, Title XX, and welfare to immigrants. Same exceptions as food stamp/SSI.	Same, except for Medicaid.
Non-Profit Organizations	No provision	Immigrant provisions do not apply to any program operated by a non-profit organization.

MAJOR DIFFERENCES IN WELFARE PROPOSALS

	Budget reconciliation (S. 1956, as approved by Finance and reported by Budget)	Bipartisan Reform Act (Biden-Specter, S. 1867) (Tanner-Castle, H.R. 3266)
Work Activities Funding	No provision	$3 billion work fund available beginning in FY 1999 for states that maintain 100% of state spending on work programs.
Contingency Funds	Once the $2 billion contingency fund is exhausted, no more contingency money is available to states.	If the $2 billion contingency fund is exhausted as a result of a national or regional recession, additional money would be added.
Child Care Safety Standards	Eliminates	Maintains
Private Sector Work	No provision	Individuals leaving welfare for work, and working at least 25 hours per week, would count toward the state participation requirement for six months.
Safety Net	States prohibited from using federal funds to provide vouchers after five-year time limit.	If states have time limit of less than 5 years, in-kind/voucher benefits must be provided to kids. State option of such benefits to both kids and adults after 5 years.
Food Stamps	State option for a block grant	Retains existing entitlement.
Individual Responsibility Contract	No provision	To be eligible for benefits, individuals must sign an individual responsibility contract.
Transitional Medicaid	Provides Medicaid coverage for one year for those who leave welfare for work as long as family income is below the poverty line.	Retains current law of one-year transition Medicaid coverage for all welfare recipients who leave welfare for work.
Financial Penalty on States	States that failed to meet the work participation rate would lose 5% of their block grant in the first year, 10% in the second year, 15% in the third year, etc.	No financial penalty. But, state maintenance-of-effort for block grant funds would increase or decrease depending on whether state met work requirements.
Work Exemption for Children Under Age 1	Each family could only claim exemption for an aggregate 12 months	At a state option, families with child under age 1 could always be exempt from work requirements.
Immigrant Exemptions	Exempts refugees, veterans, and military personnel from the prohibitions on immigrant eligibility for federal benefits.	Also exempts disabled children, victims of domestic abuse, and all children in the case of food stamps.
Immigrant Eligibility for Medicaid	Bars immigrants from being eligible for Medicaid for five years; deems sponsor's income thereafter.	Always deems sponsor's income to determine eligibility, but not an outright ban for the first five years.

Note.—This table shows the major differences between the Budget Reconciliation bill and the Biden Amendment—the Bipartisan Welfare Reform Act. It is not a complete listing of all differences in the two proposals.

Mr. SPECTER. I yield the floor.

Mr. BIDEN. For the benefit of my colleagues who are waiting in line to introduce their amendments, we had 45 minutes on this amendment, and we will not take that amount of time, but will probably take considerably less than half of that.

In offering this amendment with Senator SPECTER, the reason we offered it is I believe we have gotten off track on welfare reform. We need to return to bipartisanship on this issue and, quite frankly, on many others.

This amendment is the text of the only bipartisan welfare reform bill that has been introduced in this Congress and the only bill that President Clinton has promised he would sign. It is not to suggest it is the only bill he will sign, but it is the only bill he has promised to sign, and the only bill I am aware of that has relatively wide editorial support from the leading papers in the country.

My colleagues will probably know it as the Castle-Tanner welfare reform bill. I, frankly, like to call it the Biden-Specter bill because Senator SPECTER and I did introduce it on the Senate side. But, the heavy lifting on this bill and the drafting of the legislation was done by Congressmen CASTLE and TANNER. It is perhaps appropriate that everyone know it as the Castle-Tanner bill, and they did a first-rate job.

Before talking about the substance of the proposal, I want to briefly review how we got to this point of offering the amendment. Last September, the Senate passed a bipartisan welfare reform bill by an overwhelming majority, as my colleague, Senator SPECTER, indicated. We, along with the vast majority of our colleagues, voted for it. Since then, however, we have been faced with gridlock, politics, and paralysis. Both sides of the aisle have been using welfare reform as a political football, and we have accomplished nothing thus far.

Last April, Congressmen CASTLE and TANNER, and several other moderates from both parties in the House, decided to leave the bickering behind, sit down, and write a bipartisan welfare plan. This amendment is that bill. There is nothing shocking or hidden in this bill. It has all been out there before. Block grants to the States, a 5-year time limit, work requirements, child care, and child-support enforcement. The genius of this particular amendment is that it is bipartisan and has been from day one.

Let me mention just a couple of differences between this amendment and the underlying bill. Before I do, I want to compliment my senior colleague from Delaware, Senator ROTH, for the changes that he has made in the bill in the Finance Committee. When I introduced the Biden-Specter bill, or Castle-Tanner bill, in the Senate last month, the differences between the Finance Committee proposal and what we are proposing today were much larger than they are today. There is still, in my view, much room for improvement in the so-called leadership bill, and I believe we should still go forward with the bipartisan bill. However, I want to recognize Senator ROTH's effort at accommodating some bipartisan changes.

Some of the major differences that remain—one we settled just a couple hours ago, the child care health and safety standards, to ensure that kids are being cared for in a safe environment. We accepted that amendment. I guess we voted, actually, overwhelmingly, for the amendment to become part of the leadership bill.

Second, the Biden-Specter bill provides States with additional funds to set up work programs, because getting welfare recipients into jobs is going to cost a little bit of money on the front end.

Third, the Biden-Specter bill allows—not requires, but allows—States to provide noncash benefits for those who reach the time limit, so that States have the flexibility to design a program that meets the needs of the children in their State. This provision is the same as an amendment which was independently introduced by the distinguished Senator from Louisiana, and just discussed.

Fourth, the Biden-Specter bill would not allow food stamps to be converted into block grants, so that the ultimate safety net, ensuring that all Americans have food on the table, will not be taken away.

Fifth, the Biden-Specter bill would retain for all families, not just those who are below the poverty line, the transitional Medicaid coverage, where those who go to work can keep their health insurance for 1 year. It is acknowledged that the vast majority of welfare recipients in that first year in jobs will not have jobs that, in fact, provide health insurance for their children.

Welfare recipients are not stupid; they know most of the jobs will not have any health insurance for their kids. If we really want to move them off of welfare and on to work, and not just on to the streets, an extra year of health care, in my view, and in the view of the bipartisan group, is critical.

Sixth, the Biden-Specter bill says that anyone who wants to receive welfare must sign an individual responsibility contract, so that they are forced to agree up front to the conditions placed on receiving the benefit, and so that they will have a plan from day one on how to get themselves off of welfare.

Again, Mr. President, these are not all of the differences that exist in the bills, but they are among the most important.

Now, I know that every Member of the Senate will be able to find something that he or she does not like in the Biden-Specter proposal and all other proposals. I can do that, too, and it is my own amendment. The point is this: If we really want welfare reform, and not a political issue, we must do it in a bipartisan way, with each of us compromising and doing it in a form the President can sign.

This amendment fits that bill. It is the only bipartisan welfare reform bill to be introduced in Congress. It is a bill the President said he would sign, a bill that has gotten wide editorial endorsement, and a bill that makes compromises by definition of being bipartisan on both sides.

I do not like the idea that we are block granting welfare and that it is no longer an entitlement, but in return for that, my Republican colleagues agreed they would come up with sufficient dollars for a 1-year transition for health care and they would come up with money for child care, and so on.

It is a genuine compromise that I think is a solid proposal. I proposed a concept of welfare to work in 1987, and I was pilloried by my colleagues on the Democratic side at the time for suggesting that there be mandatory a work requirement for anyone receiving welfare. We have all sort of come to the same general proposition.

The issue is, are kids going to be left out there? Are women going to be able to go to work, or single fathers be able to go to work, knowing that there is no reasonable prospect for anyone to take care of that child, and not have day care? And are they going to make that judgment to do it, knowing once they do, they are going to lose their Medicaid—which is translated as health care for their children—by going to a job where they will not get health care for their children?

This is not just about money, although the Biden-Specter bill is estimated to achieve savings of $53.1 billion. But that is only one of the purposes, I thought, of this legislation, this change. We hear speech after speech after speech about changing the ethic that is involved in the welfare syndrome. We just heard our good friend from North Carolina talking about the generational nature of this problem and how to break the spiral, and so on. Part of this effort is to, in fact, not just take people off of welfare and put them on the streets, but put them to work and make them want to go to work and make it reasonable for them to go to work.

I respectfully suggest it is not just about money. It is about changing attitudes.

It is time to say that we do not care who gets credit for reforming welfare. It is time to just do it in a bipartisan fashion. For the sake of the American people and the sake of the people on welfare, I urge my colleagues to support this bipartisan Welfare Reform Act. And depending on what my friends on the other side have to say in opposition, I reserve the remainder of my time. I do not expect to use any more time if there is no reason to respond.

I yield the floor.

Mr. ROTH. Mr. President, I yield myself such time as I may consume.

Mr. President, let me thank Senators SPECTER and BIDEN for their important contribution to the welfare debate before us. The tremendous effort it takes to find common ground is always welcomed and appreciated.

There are many similarities between the Specter-Biden legislation and the welfare reform legislation reported by the Finance Committee. We are very close, for example, on issues such as ending the individual entitlement to benefits, work participation rates, supplemental grants for States with high population growth, the family cap, and the 20-percent hardship exemption.

The Specter-Biden bill includes provisions from our welfare reform bill regarding funding for abstinence education, SSI reforms, and child support enforcement to mention a few more of the policy areas we share.

But the substitute offered by Senators SPECTER and BIDEN also includes a number of provisions which I cannot support. Working with the Governors over these past months, I have learned a firm lesson that they are willing to accept the risks associated with a block grant. But in exchange, the states must have the requisite flexibility to redesign and manage the programs.

I am concerned that the Specter-Biden provisions regarding Maintenance of Effort, transferability of funds mandatory individual responsibility plans, would break the fragile balance the Governors seek.

The substitute also opens up the Federal checkbook for a $3 billion work program. Both bills provide for a $2 billion contingency fund. This is a $1 billion increase from last year. But the Specter-Biden substitute appropriates additional Federal funds subject to unemployment or Food Stamps triggers. This additional spending does not achieve the savings necessary. In other words, the Specter-Biden substitute breaks the budget. And for this reason alone was must oppose it.

However, Mr. President, breaking the budget is not the only problem with this substitute.

The Specter-Biden substitute severely weakens the goal of setting time limits.

Vouchers are mandatory, subject to a reduction in the State grant for noncompliance.

The Specter-Biden substitute also undermines the goal of curbing Federal benefits to noncitizens. Under this substitute, even illegal aliens could qualify for Medicaid, a liberalization of the

program beyond current law. Under the Specter-Biden plan, middle- and low-income American families would be put in a position of subsidizing individuals who are openly breaking the law. This is not fair.

Under Specter-Biden, the limitations on Medicaid benefits for other noncitizens under the finance bill would be lifted as well. While I respect the good intentions of the sponsors, I simply believe these provisions to too far.

Mr. President, I must therefore oppose the Specter-Biden substitute. Let me also hasten to add that there is no need to look any further for a bill which has bipartisan support.

The finance bill is identical in many of the most critical aspects to H.R. 4 which originally passed the Senate by a vote of 87 to 12 last September.

The finance bill was crafted with the help of Democratic and Republican Governors alike.

It includes a number of Democratic amendments which were offered in committee. Over the past several weeks, we have been told in a variety of ways that Medicaid was the stumbling block to welfare reform. We have removed that stumbling block. This is no time to erect new barriers to welfare reform. This is no time to turn back from authentic welfare reform.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I will yield back my time if the Senator from Delaware is prepared to yield back his time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

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

Mr. President, since the pending amendment, if adopted, would have the effect of reducing outlays by $10 billion less than the legislation before us, I make a point of order against the amendment under section 310(d)(2) of the Budget Act.

Mr. BIDEN. Mr. President, pursuant to Section 904 of the Congressional Budget Act, I move to waive all applicable points of order under the act for the purposes of the Biden-Specter amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the vote will be delayed until tomorrow.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 4914

(Purpose: Expressing the sense of Congress that the President should ensure approval of State waiver requests)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for himself, Mr. ABRAHAM, Mr. SANTORUM, Mrs. HUTCHISON, and Mr. THOMPSON, PROPOSES AN AMENDMENT NUMBERED 4914.

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

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

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . SENSE OF CONGRESS

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Health and Human Services has not approved in a timely manner, State waiver requests for programs carried out under part A of title IV of the Social Security Act or other Federal law providing needs-based or income-based benefits (referred to in this resolution as ''welfare reform programs'');

(2) valuable time is running out for these states which need to obtain the waivers in order to implement the changes as planned;

(3) across the country there are 16 States, with 22 waiver requests for welfare reform programs, awaiting approval of the requests by the Secretary of Health and Human Services;

(4) on July 21, 1995, in Burlington, Vermont, President Clinton promised the Governors that the Secretary of Health and Human Services would approve their waiver requests within 30 days; and

(5) despite the President's promise, the average delay in approving such a waiver request is currently 210 days and some of the waiver requests have been pending since 1994.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should ensure that the Secretary of Health and Human Services approved the following waiver requests for Georgia—Jobs First Project, submitted 7/5/94; Georgia—Fraud Detection Project, submitted 7/1/96; Indiana—Impacting Families Welfare Reform Demonstration, submitted 12/14/95; Kansas—Actively Creating Tomorrow for Families Demonstration, submitted 7/26/94; Michigan—To Strengthen Michigan Families, submitted 6/27/96; Minnesota—Work First Program, submitted 4/4/96; Minnesota—AFDC Barrier Removal Project, submitted 4/4/96; New York—Learnfare Program, submitted 5/31/96; New York—Intentional Program Violation Demonstration, submitted 5/31/96; Oklahoma—Welfare Self-Sufficiency Initiative, submitted 10/27/95; Pennsylvania—School Attendance Improvement Program, submitted 9/12/94; Pennsylvania—Savings for Education Program, submitted 12/29/94; Tennessee—Families First, submitted 4/30/96; Utah—Single Parent Employment Demonstration, submitted 7/2/96; Virginia—Virginia Independence Program, submitted 5/24/96; Wisconsin—Work Not Welfare and Pay for Performance, submitted 5/29/96; And Wyoming—New Opportunities and New Responsibilities—Phase II, submitted 5/13/96.

Mr. FRIST. Mr. President, I ask unanimous consent that there be 45 minutes of debate equally divided on the amendment.

The PRESIDING OFFICER. Is there objection to the request?

Mr. FORD. Reserving the right to object. Would the Senator add that no amendments in the second degree be in order?

Mr. FRIST. Yes, I have no objection to that. I ask unanimous consent that there be no second-degree amendments in order to this amendment.

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

Mr. FRIST. This amendment, submitted on behalf of myself and colleagues, Senators ABRAHAM, SANTORUM, HUTCHISON and THOMPSON, asks for a sense of the Congress that President Clinton should ensure approval of a waiver request for Tennessee's Family First program, as well as welfare programs in 12 other States.

Across this country this very minute, States are desperately awaiting the Clinton administration's approval for local welfare state initiatives. The State of Tennessee, like 12 other States, has submitted a waiver request to Donna Shalala, Secretary of Health and Human Services, to gain Federal approval for portions of a State-based welfare plan. Tennessee submitted its waiver request on April 30, 1996—78 days ago. This is not uncommon. Across this country, there are 15 other States with 22 waiver requests currently pending.

Some of these States include Georgia, the Jobs First program; also in Georgia, the Fraud Detection Project; in Kansas, Actively Creating Tomorrow for Families Demonstration; in Minnesota, the Work First program and the AFDC Barrier Removal Project; in Oklahoma, the Welfare Self-Sufficiency Initiative. Those are a few samples.

Mr. President, on July 31, 1995, the President promised the Governors that the Secretary of Health and Human Services would approve their requests ''within 30 days.'' That is what he said—30 days. It has been 78 days since Tennessee's request was placed.

Mr. President, I remain committed to holding President Clinton to this promise, ensuring that the Secretary of Health and Human Services approve these much-needed waiver requests, such as that for Tennessee's Families First welfare program, as well as for Michigan's and Wisconsin's.

I urge every one of my Senate colleagues to join me in this effort. Across this country States are fighting for the waivers that the President has promised to sign.

Time is running. Time is ticking. Time is running out for the people of Tennessee. The State needs to obtain this Federal waiver in order to implement the changes by September 1, 1996 as planned. Tennessee needs action. The country needs action.

Mr. President, I would particularly like to thank the distinguished Senators from Michigan and Pennsylvania for their support in this effort, and also Senator HUTCHISON of Texas for her hard work in putting this effort together.

I thank the Chair. I yield the floor.

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

Mr. FRIST. Yes, sir.

Mr. ROTH. Does the fact that you are here asking that the President sign these waivers demonstrate the urgent need for welfare reform?

Mr. FRIST. That is correct. And States are calling out for this reform at the State level, and at the national level. These are waivers that have been promised to these States to be considered within 30 days. We need to fulfill that promise.

Mr. ROTH. And those waivers would not be necessary under our reform legislation?

Mr. FRIST. That is correct. The bureaucratic nightmare, the barriers that are placed with these States, would be removed by this piece of legislation.

Mr. ROTH. I thank the Senator for his answers.

Mr. FORD. Will the Senator yield for an additional question, Mr. President?

Mr. FRIST. Yes.

Mr. FORD. Is it not true that this President has issued 67 waivers to 40 States, more than any President has issued?

Mr. FRIST. That is correct; 16 States are waived now, all over 30 days at this point; 22 waiver requests are pending at this very minute.

I would like to yield 10 minutes to my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Thank you, Mr. President.

Mr. President, I rise to join my colleagues from Tennessee and Pennsylvania and other States, all of whom are trying find themselves in the same position as we do in Michigan. States across America know best how to deal with the problems of the people who live in those States. Places like Michigan, Wisconsin, Pennsylvania, Tennessee, Texas, and many other jurisdictions have attempted to address the problems of their most needy citizens in thoughtful ways designed to try to the best degree possible move people from dependency on government programs to the economic ladder.

In Michigan we have been doing a variety of things over the past few years on a bipartisan basis; I would add to try to establish a set of programs that will work. These programs will work in Michigan. They might not work in Tennessee, or they might not work in New Hampshire. They might not work in Kentucky, or Pennsylvania. They are designed to work in Michigan. That is the way we believe welfare reform needs to be addressed, giving States the kind of flexibility to design programs best able to serve the constituencies in their jurisdictions.

It is interesting. The legislation which recently passed in Michigan with respect to welfare reform passed the Michigan State senate by a vote of 30 to 7. It passed the State house of representatives by a margin of 85 to 22. I promise my fellow Senators that is not a reflection of the partisan makeup of those legislative chambers. A 30-to-7 vote in the Michigan Senate and 85-to-22 vote in the Michigan House of Representatives reflects an overwhelming bipartisan decision to put in place a set of welfare reforms that will work for our State. That is what has happened.

These reforms come on the heels of others that have been implemented in the last 2 years. The results of Michigan's welfare reforms to date have been very impressive. Michigan's AFDC caseload has dropped from 221,000 cases in September 1992 to 176,000 cases in May 1996, a decrease of 45,000. The current AFDC caseload level is the lowest in nearly 25 years in Michigan. The caseload in our State have decreased for 26 straight months, and has fallen by more than 20 percent over the past 2 years. During fiscal year 1994 alone, nearly 30,000 individuals were placed into employment and since September 1992 over 90,000 AFDC cases have been closed as a result of earned income from employment.

In addition, by January 1996 the number of cases with earned income had risen 31.1 percent compared to the 15.7 percent of cases with earned income in September 1992.

Mr. President, this reflects a successful effort undertaken on a bipartisan basis in my State of Michigan designed to address the concerns and the problems of the neediest people in our State. We believe we have the best insight into solving Michigan's problems—a better insight than anyone in other States, and certainly a better insight than those in the bureaucracies in Washington.

For that reason, Mr. President, I join in this amendment. We want to give Michigan the chance to go further, to continue the success that we have had, to build on that success to try to make sure that everybody in Michigan who in any sense desires the opportunity to move onto the economic ladder gets the chance to do so. So that is why I join in this amendment.

The legislation which was passed in Michigan that became then the waiver sought from the Federal Government and that is part of this amendment here tonight is, I think, the right solution for our State. It is what the people of Michigan on a bipartisan basis have said is the right solution for our State. It frees us to give us the flexibility to move forward and solve people's problems rather than spending too much time solving problems created by bureaucracy.

Just to put that in perspective, we did a study in Michigan. We talked to the people on the front lines in the social services department which we now call the Family independence department. We discovered, interestingly, that two-thirds of the time of the folks whose job it is to help people get out of dependency is spent not helping people get out of dependency but is spent handling paperwork and redtape, most of it emanating from Washington, and only one-third of this time is spent trying to actually assist the folks who they are trying to help.

Our legislation will try to put the priorities where they ought to be. The proposal that we include in this amendment, this waiver that was sought, includes a number of innovations that will assist Michigan.

It will require attendance for all adult AFDC, food stamp, and State general assistance applicants or recipients at a joint orientation meeting with the family independence agency and Michigan's Jobs Commission personnel as a condition of eligibility.

It will require recipients to enter into a family independence contract.

It will require compliance with work activity requirements within 60 days.

Failure to comply will result in the loss of the family independence and AFDC benefits, and food stamps for a minimum of 1 month, and until there is compliance with work requirements.

It will require teen parents to live in an adult supervised setting and stay in school. Failure to comply will result in case closure.

The proposal includes many other similar programs designed to place incentives into the structure for people who, in fact, want to get out of dependency and onto the economic ladder. But at the same time our waiver is designed to give people some of the tools they need to be on that ladder.

It provides greater employment-related services, guaranteed access to child care, guaranteed transportation so people can get to the jobs we hope to create and make available to them, and guaranteed access to health care for anyone leaving welfare for work—in short, assistance and incentives for those seeking employment just as we also include increased responsibility for individuals receiving assistance.

Third, our program will remove unnecessary and overly burdensome regulations; provides a vastly simplified application form reduced from the current 30 pages down to 6; provides for the most dramatic simplification of AFDC food stamp and medical assistance anywhere in the country, and it streamlines services by establishing a single point of contact with the welfare office for each welfare recipient regardless of the mix of benefits received.

Finally, the program encompassed in this amendment will strengthen families and increase community involvement.

It provides additional funding for prevention services to help keep children safe and strengthen families.

And, it will allow faith-based organizations to work with communities to address the needs of welfare recipients.

In short, it is a balanced approach tailor-made to assist those in Michigan who are needy, and those in Michigan who are currently dependent on Government support in the best way we can craft to get out of that dependency and onto the economic ladder.

We recognize how to do this in Michigan for our citizens. We have developed a plan that has moved us a long way in the right direction.

If we were given the opportunities created by the waiver we have sought, which we embody in this amendment, we think we can go the final steps it takes to give the people in our State opportunity regardless of where they

live, regardless of economic condition, and regardless of their current status. We will give them hope.

That is what I believe this overall welfare reform bill before us is designed to do, to give States the flexibility, to give States the opportunity to design programs that will work for them, not programs that work in one State but programs that work individually State by State, not programs dreamed up in Washington but programs designed in State capitals and in major cities of this country for the people who live in those communities.

For that reason, I strongly support this amendment. I believe that if Michigan, Tennessee, Pennsylvania, Wisconsin, and other States are given this flexibility, given the chance to have the programs they have designed put into place, it will create the kind of opportunity we want for every American citizen.

For that reason, I strongly support the amendment. I thank the Senator from Tennessee for bringing it before us this evening.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, how much time does this side have?

The PRESIDING OFFICER. The side of the Senator from Kentucky has 22½ minutes and the Senator from Tennessee has 10 minutes.

Mr. FORD. Mr. President, I have just had an opportunity to sit down and read this amendment. I have operated as a Governor and understand what Governors like to say and what Governors like to do. Governors want the money now at the higher level but when we start decreasing the amount of funds the State receives, it is going to be difficult for them to reduce their expenditures or reduce the number, and so we find that is going to be somewhat difficult for them to do.

I have some problem with us micromanaging any program. Mr. President, I looked at these projects that are here. Some of them sound good, others not necessarily. Fraud Detection Project, that sounds interesting. Actively Creating Tomorrow for Families Demonstration. I do not know, are you supposed to look at these and just approve them without studying them some? AFDC Barrier Removal Project; Intentional Program Violation Demonstration, Single Parent Employment Demonstration, Work-Not-Welfare and Pay For Performance, New Opportunities and New Responsibilities Demonstration.

Now, I am hopeful that we can get a welfare bill that the President will sign. We hear a lot about 80-something to a few votes for a bill that we passed. If that bill had gone to the President's desk, my judgment is that he would have signed it. I think we are close to getting a bill that will be signed. I am one who wants to vote for welfare reform. I hope we can listen to Senators like the Senator from Louisiana and others who are trying to protect children. I think we have gone much, much too far in trying to be harsh on parents and then in turn being harsh on children.

So, Mr. President, in listening to the Governors, the other side of the aisle, the Republicans are not listening to the Governors except in certain cases where they want to listen to them. We have endorsements of the National Governors' Conference as it relates to vouchers and the amendment of the Senator from Louisiana. The Governors have endorsed that. But they do not pay any attention to that one. We are going to be against it. I think it is wrong. So now the Governors want all this. Are we supposed to flip over and say, yes? You did not do that when I was Governor. I had to come up here and cry a little bit, shed some crocodile tears, try to get something more for my State.

So I hope we will not try to micromanage this particular operation. As I say, the President has issued 67 waivers to 40 States. But none of these waivers, in my opinion, in reading them, are all directly welfare connected. Maybe they are. But some of the programs as they are listed lead me—work first, I like that. I like Gov. McWherter's program in Tennessee. I thought Governor Ned McWherter did a good job. It took a lot of bumps; it took a lot of skin off his back, as we say politically, but I thought Governor McWherter did a good job in Tennessee.

So since I am here standing in for others, I hope that we will be very careful with the vote as it relates to micromanaging welfare. If we are going to give it to the States, let us give it to the States and let us do it in a bill; let us do it legislatively; let us do it statutorily, and let us not start telling the President what to do and what not to do, because their President did not do nearly as well as this President. You have to look at the number of jobs that we have had. That reduces the amount of welfare in a State—more jobs, less welfare. And I can take credit for unemployment being at a low level in my State. We are doing great. We have so many people off welfare. We are saving this kind of money. All these programs are working. But if the economy is good, Mr. President, then all States are going to look good, and as of now the economy is good and all States are faring somewhat better.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. I understand we have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. I yield 8 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 8 minutes.

Mr. SANTORUM. I thank my friend from Tennessee. I will not take the entire 8 minutes. I rise in support of this amendment.

I ask unanimous consent that Senator BOND from Missouri be added as a cosponsor.

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

Mr. SANTORUM. In fact, Senator BOND has introduced legislation, frankly, that goes further than the sense of the Senate. Senator BOND's legislation would actually move the Senate to approve of the Wisconsin waiver and a bill similar to what passed in the House of Representatives, passed through the Senate and actually forced the President's hand on the Wisconsin waiver.

That is the most publicized waiver, frankly, because the President said, and I will quote his words, in his Presidential radio address back on May 18:

> All in all, Wisconsin has the making of a solid, bold welfare reform plan. We should get it done.

''Get it done,'' meaning approve the waiver.

> I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work, that protects children and does right by working people and their families.

That is what the President said. He said he wanted to do it with the waiver. He said he was for the waiver. In fact, he went so far as to make it the real focus of his radio address to the American public. Unfortunately, his administration has not approved those waivers yet. He set an artificial deadline, he has for quite some time, of a 30-day turnaround on all waiver requests by the States. He, as the Senator from Tennessee mentioned, has not met that 30-day requirement recently. In fact, we have the Wisconsin plan and here we are in the middle of July and he has not approved what is now a 12-month-old waiver request.

Unfortunately, we learn that while the President is still running around the country talking about how good the Wisconsin plan is, the President's people are saying that they are not going to approve the plan, which led Governor Thompson the other day down at the National Governors' Association to say, ''We are sort of shaking our heads, not knowing what's going on, who to believe.''

Well, in the end, I always found that it is best policy to believe what you see, not what you hear from this administration. And what you see from this administration is not approving your waiver. That is pretty concrete evidence of whether you are going to get it approved or not. The fact that they are not approving it, in effect, the bureaucrats in the administration are saying the likelihood of your getting through the approval process is not good. And it is not a simple approval

process. It sounds like these waivers are no big deal; everybody gets them approved. Remember, these get approved; they get modified; they get altered a little bit; they have to sort of work with the Federal Government to make changes that they in the Federal Government believe is best for the State. In the case of Wisconsin, in order to put the plan in effect, the State requested waivers from 83 Federal provisions administered by HHS. So they needed 83 separate decisions by the Department of Health and Human Services to get those waivers. They needed five from the Department of Agriculture to get their overall waiver approved by the Federal Government. This is no small task. It is a task that, under our bill, the bill that is before the Senate right now, would be unnecessary.

The Senator from Delaware, I think accurately and perceptively, questioned the Senator from Tennessee about whether this bill would make all of this rather expensive, time-consuming and inefficient process of waivers necessary in the future. If, in fact, we are going to use the States, as the States have been used recently, as incubators for changing the welfare system, we should give them more flexibility in dealing with this program.

We should give them the opportunity to design programs that fit their needs, not judged by people in Washington who maybe have never set foot in that State, who do not know the particular problems in the communities, but by people who represent those communities, as Senator ABRAHAM was talking about, the State legislators who live in those communities, who represent those people in a much smaller area, in a district in those States—those are the people who should make decisions about what the welfare system should look like; not people at Health and Human Services.

So one of the reasons I wanted to sign on to this effort was to highlight the inconsistencies—not surprising to my mind—but the inconsistencies between what the President says and what the President has done on one of the most important issues before us, which is welfare reform. We have, obviously, the President's record overall on what he says and what he does on welfare, which is he runs television commercials all over the country saying he is for welfare reform and then every chance he has to sign welfare reform, he finds a reason to veto it. I hope this is not the case this time around. I am confident we will send him a bill that he certainly can sign. The question is whether he will sign it, but he certainly will talk a good game up until that point. But when the rubber hits the road, whether it is waivers or whether it is the actual bill, the President has fallen short in the area of welfare reform.

Part of my reason for cosponsoring this legislation is that Pennsylvania has just recently passed welfare reform legislation. They are going to be requesting a couple of waivers from the Federal Government. They will be submitting them shortly. I am hopeful the President will go along with what Pennsylvania has wanted to do with Governor Ridge's plan to reform the welfare system and Medicaid system. To try to reduce the strain on the State budget, frankly, is one reason; but also to provide a better future for the people in Pennsylvania who are on welfare.

So I congratulate the Senator from Tennessee for his efforts. I hope we can approve this amendment and send a very strong signal we want the administration to move more quickly and more efficiently when it comes to granting waivers.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

AMENDMENT NO. 4914, AS MODIFIED

Mr. FRIST. Mr. President, I yield myself 1 minute. I ask unanimous consent to modify my amendment No. 4914. I send that modification to the desk. As part of that unanimous consent, I ask that Senator BOND be added as a cosponsor.

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

The amendment as modified is as follows:

At the appropriate place, add the following new section:

SEC. . SENSE OF CONGRESS

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Health and Human Services has not approved in a timely manner, State waiver requests for programs carried out under part A of title IV of the Social Security Act or other Federal law providing needs-based or income-based benefits (referred to in this resolution as ''welfare reform programs'');

(2) valuable time is running out for these States which need to obtain the waivers in order to implement the changes as planned;

(3) across the country there are 16 States, with 22 waiver requests for welfare reform programs, awaiting approval of the requests by the Secretary of Health and Human Services;

(4) on July 21, 1995, in Burlington, Vermont, President Clinton promised the Governors that the Secretary of Health and Human Services would approve their waiver requests within 30 days; and

(5) despite the President's promise, the average delay in approving such a waiver request is currently 210 days and some of the waiver requests have been pending since 1994.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should ensure that the Secretary of Health and Human Services approves the following waiver requests for Georgia—Jobs First Project, submitted 7/5/94; Georgia—Fraud Detection Project, submitted 7/1/96; Indiana—Impacting Families Welfare Reform Demonstration, submitted 12/14/95; Kansas—Actively Creating Tomorrow for Families Demonstration, submitted 7/26/94; Michigan—To Strengthen Michigan Families, submitted 6/27/96; Minnesota—Work First Program, submitted 4/4/96; Minnesota—AFDC Barrier Removal Project, submitted 4/4/96; New York—Learnfare Program, submitted 5/31/96; New York—International Program, Violation Demonstration, submitted 5/31/96; Oklahoma—Welfare Self-Sufficiency Initiative, submitted 10/27/95; Pennsylvania—School Attendance Improvement Program, submitted 9/12/94; Pennsylvania—Savings for Education Program, submitted 12/29/94; Tennessee—Families First, submitted 4/30/96; Utah—Single Parent Employment Demonstration, submitted 7/2/96; Virginia—Virginia Independence Program, submitted 5/24/96; Wisconsin—Work Not Welfare and Pay for Performance, submitted 5/29/96; And Wyoming—New Opportunities and New Responsibilities—Phase II, submitted 5/13/96; California—Assistance Payment Demonstration Project, submitted 3/13/96; California—Work Pays Demonstration Project, submitted 11/9/94; Hawaii—Pursuit of New Opportunities, submitted 5/7/96; West Virginia—West Virginia Works, submitted 7/1/96.

Mr. FORD. Mr. President, I am about to yield back what time we have. Is the Senator yielding his time?

Mr. FRIST. I, too, am ready to yield back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, we have an amendment that has been agreed to. I ask unanimous consent the Senator from Massachusetts [Mr. KERRY], be given 60 seconds to offer his amendment and get it modified so it could be passed.

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

Mr. FORD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 4913, AS MODIFIED

Mr. KERRY. Mr. President, I call up my amendment on child poverty which was submitted earlier tonight. I ask unanimous consent this amendment be modified in a manner that has been agreed to by both sides. I send the modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 4913, as modified.

Mr. KERRY. 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:

Section 413 of the Social Security Act, as added by section 2103, is amended by adding at the end thereof the following new subsection:

''(h) CHILD POVERTY RATES.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this part, and annually thereafter, the chief executive officer of a State shall submit to the Secretary a statement of the child poverty rate in the State as of such date of enactment or the date of such subsequent statements. Such subsequent statements shall include the change in such rate from the previous statement, if any.

''(2) INCREASE IN RATE.—

''(A) IN GENERAL.—With respect to a State that submits a statement under paragraph (1) that indicates an increase of 5 percent or more in the child poverty rate of the State from the previous statement as a result of the changes made by the Act, the State shall, not later than 90 days after the date of such statement, prepare and submit to the Secretary a corrective action plan in accordance with paragraph (3).

''(3) CORRECTIVE ACTION PLAN.—

''(A) IN GENERAL.—A corrective action plan submitted under paragraph (2) shall outline that manner in which the State will reduce the child poverty rate within the State. The plan shall include a description of the actions to be taken by the State under such plan.

''(B) CONSULTATION ABOUT MODIFICATIONS.—During the 60-day period that begins with the date the Secretary receives the corrective action plan of a State under subparagraph (A), the Secretary may consult with the State on modifications to the plan.

''(C) ACCEPTANCE OF PLAN.—A corrective action plan submitted by a State in accordance with subparagraph (A) is deemed to be accepted by the Secretary if the Secretary does not accept or reject the plan during 60-day period that begins on the date the plan is submitted.

''(4) COMPLIANCE WITH PLAN.—

''(A) IN GENERAL.—A State that submits a corrective action plan under this subsection shall continue to implement such plan until such time as the Secretary makes the determination described in subparagraph (B).

''(B) DETERMINATION.—A determination described in this subparagraph is a determination that the child poverty rate for the State involved has fallen to, and not exceeded for a period of 2 consecutive years, a rate that is not greater than the rate contained in the most recent statement submitted by the State under paragraph (1) which did not trigger the application of paragraph (2).

''(C) LABOR SURPLUS AREA.—With respect to a State that submits a corrective action plan under paragraph (2)(B), such plan shall continue to be implemented until the area involved is no longer designated as a Labor Surplus Area.

''(5) METHODOLOGY.—The Secretary shall promulgate regulations establishing the methodology by which a State shall determine the child poverty rate within such State. Such methodology shall, with respect to a State, take into account factors including the number of children who receive free or reduced-price lunches, the number of food stamp households, and the county by county estimates of children in poverty as determined by the Census Bureau.

Mr. KERRY. Mr. President, the welfare bill before us today would allow States to experiment with various welfare policies. Many States may implement innovative welfare policies to move parents from welfare to work. But if we are sending Federal money to States, if we are going to take this risk and allow States to experiment, let's be sure that child poverty does not increase.

This amendment, which I introducing with Senator MURRAY, says that if child poverty increases in a State after the date of enactment of this welfare bill, that State would be required to submit a corrective action plan.

There is nothing more important to this debate than constantly reminding ourselves that our focus is—or ought to be—this Nation's children. That was the focus when under Franklin Roosevelt's leadership title IV–A of the Social Security Act was originally enacted. The objective here is to help impoverished children.

Let me acknowledge right up front that this amendment will be subject to a point of order under the Byrd rule and will require 60 votes to pass. I want to say to my Republican colleagues that it is outrageous that we are debating welfare reform under budget reconciliation rules. We should not be considering such major changes affecting millions of children and families and cutting more than $60 billion from human service programs under budget rules that make almost any substantive amendment out of order. There is no reason to debate welfare reform under budget reconciliation except for the majority to make it significantly harder to make any changes to this bill, even changes supported by a majority of members. But despite this unreasonable hurdle erected by the majority party, we must attempt to remedy problems in the bill.

What does this amendment do? This amendment says that if the most recent State child poverty rate exceeds the level for the previous year by 5 percent or more then the State would have to submit to the HHS Secretary within 90 days a corrective action plan describing the actions the State shall take to reduce child poverty rates.

Mr. President, I want to be clear that this amendment in no way intrudes on a State's ability to design its own welfare program. State flexibility would not be decreased in any way. This amendment simply says that if a State's welfare system increases child poverty, that State must take corrective action.

Mr. President, there are many very different views of welfare in this Chamber. But I believe all of us regardless of party can agree on two things at least: we can all agree that the child poverty rate in this country is too high. The fact is that 15.3 million U.S. children live in poverty. This means that more than one in five children—21.8 percent—live in poverty. In Massachusetts, there are more than 176,000 children who live in poverty. And despite the stereotypes, Mr. President, the majority of America's poor children are white—9.3 million—and live in rural or suburban areas—8.4 million—rather than central cities—6.9 million.

The other thing on which we can all agree, because it is a fact rather than an opinion, is that the child poverty rate in this country is dramatically higher than the rate in other major industrialized countries. According to an excellent, comprehensive recent report by an international research group called the Luxembourg Income Study, the child poverty rate in the United Kingdom is less than half our rate, 9.9 percent, the rate in France is less than one-third of our rate, 6.5 percent, and the rate in Denmark 3.3 percent is about one-sixth our rate.

Mr. President, we know that poverty is bad for children, This should be obvious. Nobel Prize-winning economist Robert Solow and the Children's Defense Fund recently conducted the first-ever long-term impact of child poverty. They found that their lowest estimate was that the future cost to society of a single year of poverty for the 15 million poor children is $36 billion in lost output per worker. When they included lost work hours, lower skills, and other labor market disadvantages related to poverty, they found that the future cost to society was $177 billion.

With this amendment, I want to make sure that, at the very least, if a State's welfare plan increases child poverty—instead of increasing the number of parents moving from welfare to work and self-sufficiency—that State will take immediate steps to refocus its program.

Mr. President, I also want to say that I hope that our extremist colleagues on the House side do not ultimately prevail again in conference. This effort to reform welfare should not be scuttled by a conference report they call welfare reform but that children will only know as their ticket to empty stomachs and hopelessness.

Mr. President, I want to thank Chairman ROTH and his staff, Senator MOYNIHAN and his staff, and Senator EXON and his staff for their assistance and their willingness to accept this amendment that I believe will benefit children across the Nation.

Mr. President, as we know, the child poverty rate in the United States is dramatically higher than that in other industrial countries. It is in our obvious interest, in whatever we do with respect to welfare reform, that whatever we do here not increase that rate.

This seeks, by agreement on both sides, to simply measure where we are today with respect to child poverty and, if there is an ascertainable difference as a consequence of the measures of this act that increases it, then the Secretary of Health and Human Services has the ability to ask that particular State to come up with a remedy. There is no forced remedy. There is no mandate. It is simply a requirement to try to deal with the obvious negative consequences or unintended consequence of anything we might do here.

The PRESIDING OFFICER. The time of the Senator has expired.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 4913), as modified, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KERRY. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 4915

(Purpose: To require each family receiving assistance under the State program funded under part A of title IV of the Social Security Act to enter into a personal responsibility agreement)

Mr. HARKIN. Mr. President, I have a couple of amendments. I send the first one to the desk and ask for its immediate consideration. I send this amendment to the desk on behalf of myself and Senator COATS of Indiana.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. COATS, proposes an amendment numbered 4915.

Mr. HARKIN. 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:

Section 408 of the Social Security Act, as added by section 2103, is amended by adding at the end thereof the following new subsection:

''(d) STATE REQUIRED TO ENTER INTO A PERSONAL RESPONSIBILITY AGREEMENT WITH EACH FAMILY RECEIVING ASSISTANCE.—

''(1) IN GENERAL.—Each State to which a grant is made under section 403 shall require each family receiving assistance under the State program funded under this part to enter into a personal responsibility agreement (as developed by the State) with the State.

''(2) PERSONAL RESPONSIBILITY AGREEMENT.—For purposes of this subsection, the term 'personal responsibility agreement' means a binding contract between the State and each family receiving assistance under the State program funded under this part that—

''(A) contains a statement that public assistance is not intended to be a way of life, but is intended as temporary assistance to help the family achieve self-sufficiency and personal independence;

''(B) outlines the steps each family and the State will take to get the family off of welfare and to become self-sufficient, including an employment goal for the individual and a plan for promptly moving the individual into paid employment;

''(C) specifies a negotiated time-limited period of eligibility for receipt of assistance that is consistent with unique family circumstances and is based on a reasonable plan to facilitate the transition of the family to self-sufficiency;

''(D) provides for the imposition of sanctions if the individual refuses to sign the agreement or does not comply with the terms of the agreement, which may include loss or reduction of cash benefits;

''(E) provides that the contract shall be invalid if the State agency fails to comply with the contract; and

''(F) provides that the individual agrees not to abuse illegal drugs or other substances that would interfere with the ability of the individual to become self-sufficient, or provide for a referral for substance abuse treatment if necessary to increase the employability of the individual.

''(3) ASSESSMENT.—The State agency shall provide, through a case manager, an initial and thorough assessment of the skills, prior work experience, and employability of each parent for use in developing and negotiating a personal responsibility contract.

''(4) DISPUTE RESOLUTION.—The State agency shall establish a dispute resolution procedure for disputes related to participation in the personal responsibility contract that provides the opportunity for a hearing.

Mr. HARKIN. Mr. President, when individuals are hired for a job they are handed a job description, a job description which outlines their responsibilities so on day one they know what is expected in order to earn a paycheck. However, when individuals go into a welfare office to sign up for benefits, they fill out an application and then the Government sends them a check. There is no job description, nothing is expected on day one. The individual goes home and collects a check. I believe that is wrong. It saps an individual's self-esteem and makes a family dependent.

We must fundamentally change the way we think about welfare. We should be guided by common sense and build a system based on a foundation of responsibility. If you want a check, you must earn it and you must follow the job description. We need to stop looking at welfare as a Government giveaway program. Instead, welfare should be a contract, demanding mutual responsibility between the Government and the individual receiving the benefits. The contract should outline the steps a recipient will take to become self-sufficient, and also a date certain by which benefits will end. Responsibility should begin on day one, and benefits should be conditioned on compliance with the terms of the contract. Essentially, the contract would outline the responsibilities for an individual, just like a job description outlines a worker's duties. It builds greater accountability in the welfare system and sends the clear message that welfare as usual is no more.

A binding contract of this nature makes common sense, and it works. Here is how I know. The Family Investment Agreement, or contract, is the centerpiece of Iowa's innovative welfare reform program. The agreement or the contract is negotiated between individual recipients and their case workers. Failure to negotiate and sign a Family Investment Agreement or to refuse to follow its terms results in elimination of welfare benefits.

I meet with welfare recipients and their case workers on a regular basis in Iowa. I always ask them what they think about the requirement for this contract. An overwhelming number credit the contract for creating a fundamental change of the welfare system in Iowa, change which has meant fewer families on welfare and an increase in the number of families working and earning income and a decrease in the amount of money spent on cash grants. The results have been truly impressive in Iowa.

Caseworkers say the family investment agreement, or contract, has helped them guide families off welfare. Welfare recipients often say it is the first time that anyone ever asked them about their goals, and with the contract, they get a clear picture of exactly what is expected of them. That is an important first step toward making families self-sufficient.

The amendment I am offering with Senator COATS is simple. It builds on the successful reforms that are going on in our States; that welfare recipients negotiate and sign an agreement which outlines what will be done to move off welfare. A similar amendment was included in last year's bipartisan Senate bill. That bill we adopted 87 to 12. This would be a good improvement to the pending bill. Some changes were made in that amendment at the suggestion of Senator COATS, very good changes, I might add.

So I urge my colleagues to support that amendment.

Mr. President, I do not know if this amendment is going to be agreed to or not. There is some talk that it will be. We do not really know yet.

I ask unanimous consent that if this amendment is not agreed to that it be put over until Tuesday so that Senator COATS can speak on it. He could not be here this evening. So I ask unanimous consent that it be put over, that the vote on it be put over until Tuesday, and I will ask for the yeas and nays, which, if it is accepted, we can vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. HARKIN. Let me rephrase that request. I ask unanimous-consent that this amendment, if it is not accepted, be put over to a vote until Tuesday so that Senator COATS might speak on it.

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

Mr. HARKIN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, I still hope the amendment will be accepted after it is looked at. I do want to thank Senator COATS for his help in crafting this amendment and making changes to it. Again, I still hope it will be accepted. As I said, something similar to it was adopted unanimously on the bill we put through last fall.

Mr. HARKIN. Mr. President, I have a second amendment. It will not take very long.

AMENDMENT NO. 4916

(Purpose: To strike amendments to child nutrition requirements)

Mr. HARKIN. I send an amendment to the desk 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 Iowa [Mr. HARKIN] proposes an amendment numbered 4916.

Strike section 1253.

Mr. HARKIN. Mr. President, this amendment would strike the provision

in the bill that eliminates the existing program of grants for initiating or expanding school breakfast or summer food programs. The provision in the bill has nothing to do with welfare reform. It is merely killing a good program to save only a relatively small amount of money in terms of the total amount of money involved in this bill.

In fact, I believe this provision in the bill will actually hinder welfare reform, because it will mean more kids will be hungry during the school year and over the summer months. That is a circumstance that will make it harder for that family to get off welfare.

Many children having the greatest need for school breakfast and summer food assistance do not get the opportunity they should have to receive the benefits of these valuable programs. Currently, about 12 million low-income children take part in the School Lunch Program. Only about 5.5 million children participate in the School Breakfast Program, and the number of participants in the Summer Food Program is only about 2 million.

What these numbers mean is that a large proportion of low-income children who benefit from the School Lunch Program do not benefit from the School Breakfast Program and even fewer from the summer food program. Less than half of the low-income kids getting school lunches now receive breakfasts and less than 20 percent of low-income kids in the lunch program receive summer meals. There are many children who cannot take part in these very important programs because they simply are not available in their neighborhoods due to a lack of community resources.

Startup and expansion funds have proven themselves as a means to get these programs going in neighborhoods. What this program does is provide modest amounts of assistance to allow schools and summer food sponsors to get programs started or expand them in low-income areas. The school may need, for example, some equipment or some other resource that will help them deliver meals to hungry kids. There is no other program that is in existence to help out on these equipment and infrastructure needs. This is the only one.

The School Breakfast Startup and Expansion Program was begun by Congress to provide competitive grants for one-time expenses associated with starting a School Breakfast Program in individual schools. In 1994, the startup and expansion program was modified and made permanent and made to cover both school breakfast and the summer food programs.

The first grants under the new guidelines were announced in June of 1995, just last year. Forty-eight States have applied for grants; 31 States have received funding under this program. So it is needed, and it is helping to improve access of low-income kids to nutritious breakfasts and summer meals across the country.

There has been a resounding consensus from State departments of education that the availability of these funds has played a major role in increasing the availability of school breakfast and summer food programs to low-income kids. These funds are for one-time startup costs. Funding does not go on and on and on, but it provides schools and sponsors with the seed funds necessary to start or to expand to new sites these proven nutrition programs for children.

These startup and expansion funds have meant the difference between needy children going hungry in the morning—because their schools are too poor to afford the startup costs of a breakfast program—and children ready to learn after eating a school breakfast.

This bill that we have before us cuts spending by over $50 billion. My amendment would only have a minuscule effect on the magnitude of those savings. Mr. President, I submit that the cost in human terms, the cost in diminished futures for our Nation's children is far too high to pay in order to achieve the relatively minor spending reductions associated with the provision that my amendment strikes. By striking this provision, my amendment will ensure we continue to make a modest, sound investment in the nutrition, health, education and future of our children.

Finally, Mr. President, I believe that this amendment will actually save money in the long run, because kids who are well-nourished grow up healthy. They are able to learn and acquire the skills they need to live as productive members of society. That means less welfare dependency, less crime, less poor health and less cost to our society in dealing with the various ills that result from poor nutrition and stunted human development.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I rise in opposition to the Harkin amendment. The underlying provision that the Harkin amendment attempts to amend actually has some commonality here, bipartisan support, I should say.

The President, in his most recent welfare reform proposal, contained a provision to repeal the expansion grants, the grants that the Senator from Iowa wants to put back in.

In addition, the Democratic substitute which we voted on earlier today also repealed expansion grants. And I think the reason was that these expansion grants, at least for the school breakfast program, have been around for 6 or 7 years. With 6 or 7 years, that is a fair amount of time to have those grants on the table to use to grow the program. If they have not grown by now, they are probably not going to grow with respect to the summer food program. It has not been widely used.

The Senator from Iowa mentioned 31 States. But these are not State grants. They are grants to very small discreet schools. If you only have 31 in the entire country, that is hardly a significant expansion of the program. I think most everyone has recognized that we have sort of reached the end of the road with respect to expanding this program. And this money can be more efficiently spent elsewhere.

I remind Senators that this provision saves a substantial amount of money. What it is is $112 million that we were required to come up with in our reconciliation portion of the agriculture budget. And there is no offset provided for in this legislation. So if in fact we put these grants back, we are going to have to find other places, food stamps, other kinds of programs that I think have more political support, and for good reason, than these expansion grants. So I would urge my colleagues not to support this amendment.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Just a small followup. I do not always agree with the President of the United States. These start-up and expansion grants stand on their own merits, without regard to what is contained in the President's or any other welfare reform proposal.

As the Senator from Pennsylvania says, this is kind of a modest program. But we did in 1994, as I said, make it permanent and modify it to include summer food start-up and expansion. We got the first of the new grants out last year. It is a modest program. It is not a big, overwhelming program. But it allows really the poorest schools to get the seed money.

As I said, it is a one-time infusion of money. Let us say they have some sites they want to deliver meals to. They have a central kitchen and they want to delivery some meals to other sites. Maybe they do not have a vehicle to do it. Well, this program would help them get the vehicle that will be able to deliver those meals to other sites, let us say, around the area.

So it is a one-time cost that will enable them to go ahead and have a breakfast program or a summer food program. It is needed. You say, well, it is a modest program. I suppose if it was big, they would argue it is too big. But it is a modest program and it is needed.

Right now, I say to my friend from Pennsylvania, that in the ag function we have over $500 million in excess spending reductions beyond the levels required by the budget resolution. CBO estimates that eliminating this program will reduce spending over 6 years by $112 million. So there is plenty of excess savings in the Agriculture Committee's portion of this bill to cover this amendment. I hope that we will correct this bill to allow these very important start-up and expansion grants for school breakfast and summer food programs to continue. Thank you very much.

Mr. SANTORUM. Just one of the reasons we had more savings than the ag

bill is because we had to meet a specific target in the last year. And to meet that target, we had to cut a little bit more than we needed to in the first few years to meet the outyear number. That is why if you change the numbers, then we do not have the numbers in the outyears. I say that in response.

I am willing to get the yeas and nays on this.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. May I ask the Senator from Iowa, did the Senator offer two amendments?

Mr. HARKIN. Yes. I offered two amendments.

Mr. FORD. Did we get the yeas and nays on the second one?

Mr. HARKIN. I did get the yeas and nays, but we had a unanimous consent to hold off until Tuesday.

Mr. SANTORUM. I say to the Senator from Iowa, in discussing the matter with the Senator from Delaware, we are prepared to accept the first Harkin amendment, the one that was pushed off until Tuesday and accept the amendment without the need for a vote, if that is acceptable to the Senator.

Mr. HARKIN. That would be very acceptable.

Mr. SANTORUM. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the first Harkin amendment.

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

The PRESIDING OFFICER. The yeas and nays have been ordered on the second Harkin amendment.

AMENDMENT NO. 4915

Mr. FORD. Mr. President, we are now ready to accept the Harkin amendment.

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment No. 4915.

The amendment (No. 4915) was agreed to.

Mr. FORD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, we have an amendment that is up from the Republican side. I understand that the Senator is not here. It is going to be offered by the acting floor manager. I do not know that we have anybody on our side. If the Senator wants to introduce it, then we would get the yeas and nays on it.

AMENDMENT NO. 4917

(Purpose: To ensure that recipients or caretakers of minor recipients of means-tested benefits programs are held responsible for ensuring that their minor children are up to date on immunizations as a condition for receiving welfare benefits from the taxpayers)

Mr. SANTORUM. Mr. President, I send an amendment to the desk on behalf of the Senator from Missouri, Senator ASHCROFT.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] for Mr. ASHCROFT, proposes an amendment numbered 4917.

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

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

The amendment is as follows:

At the appropriate place in chapter 9 of subtitle A, insert the following:

SEC. . SANCTIONS FOR FAILING TO ENSURE THAT MINOR CHILDREN ARE IMMUNIZED.

(a) TANF.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State shall not be prohibited by the Federal Government from sanctioning a recipient of assistance under a State program funded under part A of title IV of the Social Security Act for failing to provide verification that such recipient's minor children have received appropriate immunizations against contagious diseases as required by the law of such State.

(2) EXCEPTION.—In the event that a State requires verification of immunizations, paragraph (1) shall not apply to a caretaker described in such paragraph who relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of such caretaker.

(b) FOOD STAMPS.—

(1) IN GENERAL.—A caretaker recipient of assistance or benefits under the food stamp program, as defined in section 3(h) of the Food Stamp Act of 1977, shall provide verification that any dependent minor child residing in such recipient's household has received appropriate immunizations against contagious diseases as required by the law of the State in which the recipient resides.

(2) EXCEPTION.—Paragraph (1) shall not apply to a caretaker described in such paragraph who relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of such caretaker.

(3) INDIVIDUAL PENALTIES.—The failure of a caretaker described in paragraph (1) to comply with the requirement of such paragraph within the 6-month period beginning with the month that includes the date that the caretaker first receives benefits under the food stamp program shall result in a 20 percent reduction in the monthly amount of benefits paid under such program to such caretaker for each month beginning after such period, until the caretaker complies with the requirement of paragraph (1).

(c) SSI.—

(1) IN GENERAL.—A caretaker of a minor child who receives, on their own behalf or on behalf of such child, payments under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1681 et seq.) shall provide verification that the child has received appropriate immunizations against contagious diseases as required by the law of the State in which the child resides.

(2) EXCEPTION.—Paragraph (1) shall not apply to a caretaker described in such paragraph who relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of such caretaker.

(3) INDIVIDUAL PENALTIES.—The failure of a caretaker described in paragraph (1) to comply with the requirement of such paragraph within the 6-month period beginning with the month that includes the date that the caretaker first receives, on their own behalf or on behalf of such child, payments under the supplemental security income program shall result in a 20 percent reduction in the monthly amount of each payment made under such program on behalf of the caretaker or such child for each month beginning after such period, until the caretaker complies with the requirement of paragraph (1).

Mr. ASHCROFT. Mr. President, in 1994, one out of every four 2-year-olds had not received the proper vaccinations. This statistic worsens appreciably in urban areas. For example, a 1995 survey of State health department clinics in Houston found that only 14 percent of the children were up-to-date on their immunizations.

Because these children are not being immunized, the Centers for Disease Control reported 1,537 needless and easily avoidable incidences of mumps in 1994.

Such a deplorable lack of basic preventive health care is inexcusable, particularly since immunizations are free in America.

The Vaccines for Children Program administered by the National Immunization Program of the Centers for Disease Control and Prevention provides free vaccines to children under 18 who are eligible for Medicaid, or are uninsured or underinsured.

When a child in America is not immunized, it is entirely the fault of the parent. It is a blatantly irresponsible act not to immunize a child.

We should not be paying welfare recipients to abdicate their responsibility. The welfare system should encourage people to take care of their own.

Children are the future, and in order to break the cycle of dependence, children of welfare recipients need every break available.

All schools require immunization records for a child to be enrolled. An unimmunized child can be denied admission to school. And a child that doesn't go to school will probably end up on welfare.

What's wrong with requiring parents on welfare to have their children immunized? We shouldn't be paying parents to neglect their children.

This amendment allows States to sanction welfare recipients of TANF, and other States programs who do not immunize their children.

This amendment also requires States to sanction Food Stamps and SSI recipients who do not immunize their children.

Again, immunizations are free to Medicaid recipients and the uninsured

in hospitals and clinics across the Nation, so there is simply no legitimate excuse for parents not to have their children immunized. Additionally, States think immunization requirements for government aid are a good idea.

According to the American Public Welfare Association 12 States have received Federal waivers to implement AFDC requirements for immunization.

For example: Delaware, immunization is required for pre-school children. Failure to comply results in $50 decrease per month in AFDC grant. Indiana, recipients must show proof within 12 months of AFDC application that children are immunized. Families in noncompliance are sanctioned $90 per month. Michigan sanctions AFDC families $25 per month if parents fail to immunize pre-school-age children according to State policy. Mississippi children under 6 must receive regular immunization and checkups or sanction of $25 per month applies. AFDC preschoolers in Texas must be immunized or the State may sanction the family $25 per child. And finally, in Virginia, AFDC recipients with children who have not been immunized receive fiscal sanctions of $50 for the first child and $25 for each additional child.

This amendment is the best means to ensure that all children everywhere are immunized against deadly, but easily controllable diseases such as mumps, tetanus, measles, polio, et cetera.

It is a first step to encouraging responsibility in a system that breeds decadence and dependence—a step upward on the ladder of opportunity out of our current welfare system's net of ensnarement.

Mr. FORD. Mr. President, I yield back what time we might have on this side.

Mr. SANTORUM. Likewise.

Mr. President, I ask for the yeas and nays on the Ashcroft amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 4918

(Purpose: To revise this legislation if it increases the number of impoverished children in this Nation)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] for himself and Mr. SIMON, proposes amendment numbered 4918.

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

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

The amendment is as follows:

At the appropriate place insert the following:

''IMPOVERISHED CHILDREN PROVISION.—

''(A) REPORT BY THE SECRETARY, ACCOMPANIED BY LEGISLATIVE PROPOSAL.—The Secretary of Health and Human Services shall develop data and, by January 30, 1999, shall report to Congress with respect to whether the National child poverty rate for Fiscal Year 1998 is higher than it would have been had this Act not been implemented. If the Secretary determines that this rate has increased and that such increase is attributable to the implementation of provisions of this Act, then such report shall contain the Secretary's recommendations for legislation to halt this increase. The Secretary's report shall be made public and shall be accompanied by a legislative proposal in the form of a bill reflecting said recommendations.

''(B) CONGRESSIONAL ACTION.—

''(1) The bill described in (A) shall be introduced in each House of Congress by the Majority Leader or his designee upon submission and shall be referred to the committee or committees with jurisdiction in each House.

''(2) DISCHARGE.—If any committee to which is referred a bill described in paragraph (1) has not reported such bill at the end of 20 calendar days after referral, such committee shall be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

''(3) FLOOR CONSIDERATION.—Any bill described in paragraph (1) placed on the calendar as a result of a committee's report or the provisions of paragraph (2) shall become the pending business of the House involved within 60 days after it has been placed on the calendar of such House, unless such House shall otherwise determine.''

Mr. WELLSTONE. Mr. President, this amendment is on behalf of myself and Senator SIMON. This amendment is a very simple and straightforward amendment. And it is my fervent hope that this amendment will have strong bipartisan support.

Mr. President, let me just assume—and I think it is probably a correct assumption—that there is not one Senator in this Chamber that wishes to impoverish any more children in America, that when people say that they think the passage of this bill will not hurt children, they mean it. I accept that as having been said in good faith.

Mr. President, today the Washington Post, in an editorial, said that this welfare reform bill could be a profound mistake and called upon all of us to be cautious, that one out of every eight children in America is covered by the AFDC program, the welfare program.

Mr. President, let me give you the context, and then let me go right to the amendment. The context is as follows. I think we are going to be very honest about this. As the old saying goes, people can be in honest disagreement about this bill. But the fact of the matter is, we do not know for certain. There are some ardent advocates for this welfare bill. And there are those who have spoken in strong opposition.

One of those Senators who has been most vocal in his opposition is Senator PATRICK MOYNIHAN from New York, who has been a giant in the field, who has studied welfare longer than any of the rest of us, who is an acknowledged expert, and who has enormous intellectual and political and personal integrity.

Senator MOYNIHAN argues that this in fact would mean that there would be more impoverished children in America. That is his view. That is not the view of every Senator.

Mr. President, what this amendment says is that Health and Human Services takes a look at what we have done over the next 2 years. I know that Senators do not want this to be the case. But if, in fact, as a result of some of the provisions in this legislation there are more impoverished children in America, that report comes back to us, and we fast track it. It comes back to the Congress, we fast track it, and it comes to the floor in 20 days, and we take action to correct the problem.

Now, Senators, please understand what I am saying. I wish there was time to summarize this tomorrow. I am assuming everybody in this Chamber—and I believe it has been operating in good faith; we just have some honest disagreements. But I do not think any of us know for certain.

What I am saying in this amendment is, at least have some safety net here or some fail-safe mechanism. At least be willing to evaluate what we have done. We cannot know what we do not want to know. We cannot be unwilling to study what we have done. We cannot be unwilling to have some sort of evaluation, have Health and Human Services study this, bring it back to us, and if, in fact, because of some of the provisions in this legislation, there are more impoverished children in America—that is what the Office of Management and Budget said about the last bill we passed—then we would take a look at that study, and we, not Health and Human Services, we, as legislators, would take the kind of corrective action that would be necessary to make sure we do not continue to cause this poverty among children in America.

Mr. President, I am really hopeful that there will be strong support for this. I think it is a most reasonable amendment. I think it would be reassuring to people in the country. Frankly, I think it is a way we can reassure ourselves. I offer this amendment, and I hope that it will be accepted.

I withhold the balance of my time and ask for a response from the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I do not see anything in this amendment that is necessary. We already get a variety of information from the Department of Health and Human Services, the Labor Department, and a whole lot of other agencies with respect to statistical information with respect to poverty rates and a whole variety of other factors dealing with children in poverty.

That information is compiled regularly and is made available to the Congress. So to have the Secretary of

Health and Human Services redo that in some report as requested by the Senator from Minnesota seems to me to be unnecessary.

If, in fact, the poverty statistics over the 2-year-period, as described in this legislation, show an increase in the poverty rate among children, I guarantee you that there will be Members, maybe from both sides of the aisle if it is dramatic, who will come here to the floor and will be looking to make some changes in the welfare program.

I suggest we have seen increases in poverty with the current system on many occasions, almost continually over the past 30 years, and we have never done anything as dramatic as what the Senator from Minnesota is suggesting with this proposal. I think what we are seeing here is really nothing more than putting in some sort of structure in some very limited and constrained timing. Why not 2 years? Why not 5 years? Why not 1 year? It is hard to pull a number like 2 years out of the hat.

This is a program that, once implemented, will be implemented differently across this country because of the flexibility given in this bill. There will be programs that I think will be dramatically successful which will have tremendous impact on the poor in this country. There are those, in all likelihood, that will have modest success. I think it is important to let that play out. It is important to give the Congress the flexibility to be able to deal with that in a rational, measured way, by debate, instead of forcing them into a rather tight timeframe that is being designed here by the Senator from Minnesota.

For those reasons, I oppose the Wellstone amendment.

Mr. WELLSTONE. Mr. President, the Senator from Pennsylvania evades the point. This amendment is not about collecting statistics about poverty in general. It is about this piece of legislation and doing something in the affirmative for children if, in fact, provisions in this piece of legislation should lead to an increase in poverty among children. Two years is hardly too tight a time line for children who might find themselves in more difficult economic circumstances because of what we have done.

In all due respect, I find it absolutely amazing that Senators who make the argument that this is going to be a piece of legislation that will not hurt children would now be unwilling to support a study to see whether, in fact, provisions in this piece of legislation are going to impoverish more children. You cannot evade the point.

I ask my colleague, what would be the harm in such a study? Gunnar Myrdal said, ''Ignorance is never random.'' Sometimes I guess we do not know what we do not want to know.

Before I move on to my other amendment, is there any particular response as to why?

Mr. FORD. Will the Senator yield?

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

Mr. FORD. We are starting something new, and it is down a path that we are not sure how it will turn out. I think that is the Senator's point.

The States will be doing this and not the Federal Government, as such, because in this legislation we would be giving block grants. I think we ought to know how that is faring out there.

I remember when the States were in charge of nursing homes. Because it was so bad, the Federal Government took it over and set higher standards so we could take care of our senior citizens better. Is it not the point that we do not know what will happen?

Like the Senator from Pennsylvania said, some programs may be good, some may be mediocre, some may flunk. Do we not need to know and respond, particularly for children? Is that not the point the Senator is trying to make?

Mr. WELLSTONE. I say to my colleague from Kentucky, absolutely.

I will give but one other example. It was President Richard Nixon, a Republican, who said we better have some national standards for food stamps, because we had all these reports in the mid and late 1960's. I am sure my colleague from Pennsylvania has read about those reports on children with extended bellies and children suffering from rickets and scurvy. We decided there better be some national standards.

If we are going to do something quite new, and we have Senators of the stature of Senator PATRICK MOYNIHAN who say this will impoverish more children, and we have two studies from OMB and Health and Human Services saying the same thing, I do not wish to cast judgment on it, but I cannot for the life of me understand why my colleagues would not want to at least have Health and Human Services study it and bring back a report to us, and if, in fact, some of the provisions of this legislation have increased poverty among children, we take corrective action.

My colleagues have said that will not happen, so why would you want to vote against this? Why would you not want to have a study? Why would you not want to have some measuring of statistics? Why would we not want to err on the side of caution when it comes to what we are doing, as it affects the poorest children in America? Why would we not want to err on the side of caution?

The silence is deafening; is there a response?

Mr. SANTORUM. Mr. President, I am happy to respond to the Senator from Minnesota. The answer simply is, like every other welfare program that has been instituted in this country, there are volumes of studies as to its impact by a variety of organizations from the left to the right, including the Government. I do not think there will be any shortage of information as to the efficacy of this new direction in welfare. That is No. 1.

No. 2, what your amendment provides for is not only reports, and I suggest duplicative reports, but congressional action, discharge for consideration, an expedited procedure, very expedited procedure for legislation, which is, again, I think, an overreaction and just not necessary.

Mr. WELLSTONE. Well, Mr. President, I will finish up with one other quick amendment with my time slot. First, I will respond by saying one more time that it just evades the point. It is not a question of academics or whether there will be studies. It is a question of whether or not we are willing, as an institution, as a body, to say we are doing something very different. We want to make sure that in this legislation we pass we have some provision here to take a look at what we have done, so that the results will come back to us, so that if in fact, God forbid, we have done something that impoverished more children, we will take quick action to correct the problem. I cannot, for the life of me, understand the opposition to such a proposal. I am really shocked. Excuse me for my indignation, but I am.

Mr. President, I ask unanimous consent to lay this amendment aside and to offer my other amendment.

The PRESIDING OFFICER (Mr. FRIST). Is there objection?

Mr. ROTH. Mr. President, reserving the right to object, and I will not object, but I want to make some comments.

Mr. WELLSTONE. I am sorry. I yield for that purpose.

The PRESIDING OFFICER. Does the Senator withdraw the unanimous consent request for the moment?

Mr. WELLSTONE. Yes. I thank the Chair.

Mr. ROTH. Mr. President, every Senator here is concerned about the children of America, and we are particularly concerned about those children that are not having the kind of opportunity we all think they deserve. So I do not think the comments should be that we do not all seek the same benefits for the children in our country.

Just let me point out that the legislation reported out by the Finance Committee already provides for research, evaluation, and national studies. In section 413(a), we specifically provide that the Secretary shall conduct research on the benefits, efforts, and costs of operating different State programs funded under this part, including time limits relating to eligibility. Not only do we provide for studies, but we provide $15 million for each of the fiscal years from 1998 through 2001, with the purpose of paying the cost of conducting such research, for the cost of developing and evaluating innovative approaches for reducing welfare dependency and increasing the well-being of minor children under section (b).

So we already have in the legislation ample provisions for studies to be made to determine how effective our reform

programs are. We all want that information. That is the reason it is contained in this bill.

However, we do object to the expedited procedure, whereby the Secretary of Health makes recommendations and they are put on an accelerated track to be considered by the Congress. I know of no instance where this kind of procedure has been used. Yes, we have had accelerated procedures in certain limited circumstances, such as trade bills. But the recommendations come from the President of the United States. I, for one, think that it is appropriate for the recommendations of these studies to go through the regular process of Congress.

My distinguished friend and colleague from Minnesota talks about the timeframe. Just let me point out that the present program has been in effect for about 30 years, and we have studies and recommendations from the CBO that show that if we do not do something about reform, that another 3 million children will be on welfare in the next 9 years. So do not talk to me about the timeframe. Let us all agree that we do want the studies, and we do want the independent analyses as to how these programs are working. But let us use the Congress and its normal processes, including its committees, to determine what is appropriate, rather than to give this kind of authority to a nonelected Member of the Cabinet.

Mr. WELLSTONE. Mr. President, I have just a quick response, and we will move on. First of all, I say to my friend from Delaware that to talk in general terms about studies and evaluations and not to connect it specifically to the issue that I raised in this amendment, as to whether or not we will in fact be willing to look at the very real and important questions as to whether this legislation or provisions in this legislation have impoverished more children, and then take corrective action, again, it misses the point. It is not a response to that very real concern.

Second of all, this it is not an agency that takes the action. Health and Human Services reports back to this body, and we are the ones that correct the problem. We are the ones that correct the problem. So, again, I do not really believe that the comments of my colleague are responsive to what this amendment speaks to.

Finally, on welfare—I cannot resist—and then we can move on. But this reference to the CBO study. With all due respect, when I hear my colleagues talk about welfare and how welfare caused poverty, it is tantamount to making the argument that Social Security caused people to grow old. You have the cause and effect mixed up. Every 30 seconds, a child is born into poverty in this country. We are getting close to one out of every four children. That is true. There are a whole host of reasons why we have this poverty. Welfare is a response to it. To argue that the welfare system causes the poverty is like saying the Social Security system causes people to be aged. You just have the cause and effect mixed up.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield back all our time on the amendment.

The amendment is not germane to the provisions of the reconciliation bill pursuant to 305(b)(2) of the Budget Act. I raise a point of order against the pending amendment.

Mr. WELLSTONE. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of that Act for the consideration of the pending amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4919

(Purpose: To ensure that States which receive block grants under Part A of title IV of the Social Security Act establish standards and procedures regarding individuals receiving assistance under such part who have a history of domestic abuse, who have been victimized by domestic abuse, and who have been battered or subjected to extreme cruelty)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mrs. MURRAY, proposes an amendment numbered 4919.

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

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

The amendment is as follows:

At the end of section 402(a) of the Social Security Act, as added by section 2103(a)(1), add the following:

''(7) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.—

''(A) IN GENERAL.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to—

''(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

''(ii) refer such individuals to counseling and supportive services; and

''(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

''(B) DOMESTIC VIOLENCE DEFINED.—For purposes of this paragraph, the term 'domestic violence' has the same meaning as the term 'battered or subjected to extreme cruelty', as defined in section 408(a)(8)(C)(iii).

''(8) CERTIFICATION REGARDING ELIGIBILITY OF INDIVIDUAL WHO HAS BEEN BATTERED OR SUBJECTED TO EXTREME CRUELTY.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure that in the case of an individual who has been battered or subjected to extreme cruelty, as determined under section 408(a)(8)(C)(iii), the State will determine the eligibility of such individual for assistance under this part based solely on such individual's income.

Mr. WELLSTONE. Mr. President, I will try to be brief. This amendment speaks to an issue that we, as the Senate, have really, I think, taken some important steps and major strides forward in addressing, and that is domestic violence in our country, violence within families that effect women, children, and sometimes men—usually women and children.

Mr. President, this amendment would ensure that States that receive the block grant under part A of title IV of the Social Security Act establish standards and procedures regarding individuals receiving assistance who have a history of domestic abuse, who have been victimized by domestic abuse and have been battered or subjected to extreme cruelty.

There was a study done by the Taylor Institute in Chicago that documented that between 50 to 80 percent of women receiving AFDC are current or past victims of domestic abuse. In other words, for all too many of these women and children welfare, imperfections and all, is the only alternative to a very dangerous home.

So what this amendment would say is that States would be required to screen and identify individuals receiving assistance with a history of domestic violence, refer such individuals to counseling and supportive services, and waive for good cause other program requirements for so long as necessary.

This is what the States would essentially end up doing. It would all be done at the State level.

Mr. President, we cannot have ''one size fit all,'' as I have heard many of my colleagues so say. It took Monica Seles 2 years to play tennis again. Can you imagine what it would be like as a result of her stabbing—to be beaten up over and over and over again; can you imagine what it would be like to be a small child and see that happen in your home over and over again?

I want to make sure that these women and these children throughout our country, for whom the welfare system has been sometimes the only alternative to these very dangerous homes, receive the kind of special services and assistance that they need. In the absence of the passing of this amendment, all too many women and children could find themselves forced back into these very dangerous homes.

So it is a reasonable amendment. It is one that speaks to the very real problem of violence within homes in

our country. It would be an extremely important, I think, modification of this welfare bill that would provide assistance that is really needed by many women, many children, and many families in our country.

I hope that this amendment would be agreed to and would receive strong support, bipartisan support.

Mr. SANTORUM. Mr. President, there is no objection to this amendment on this side. We are willing to accept the amendment.

Mr. WELLSTONE. Mr. President, I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 4919) was agreed to.

Mr. SANTORUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I have a unanimous consent agreement to propound to dispose of two amendments which have been agreed to on both sides of the aisle. They are Senator FAIRCLOTH's amendment to clarify that a welfare recipient may provide child care services to satisfy the bill's work requirements.

The second one is Senator COATS' amendment allowing welfare recipients to establish individual development accounts.

Mr. President, I ask unanimous consent that it be in order for me to offer these two amendments which I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, reserving the right to object, has this amendment been cleared?

Mr. ROTH. Yes. Both have been cleared.

Mr. GRAHAM. Mr. President, I have been informed that the first amendment has not been cleared on this side.

Mr. ROTH. I understand that, although they have been cleared, a question has been raised.

So I withdraw my request until clarified.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 4920, WITHDRAWN

(Purpose: To amend the Social Security Act to clarify that the reasonable efforts requirement includes consideration of the health and safety of the child)

Mr. DEWINE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 4920.

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

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

The amendment is as follows:

At the end of chapter 7 of subtitle A of title II, add the following:

SECTION 2703. CLARIFICATION OF REASONABLE EFFORTS REQUIREMENT BEFORE PLACEMENT IN FOSTER CARE.

(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

''(15) provides that, in each case—

''(A) reasonable efforts will be made—

''(i) prior to the placement of the child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

''(ii) to make it possible for the child to return home; and

''(B) in determining reasonable efforts, the best interests of the child, including the child's health and safety, shall be of primary concern;''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall be effective on the date of the enactment of this Act.

(2) EXCEPTION.—In the case of a State plan for foster care and adoption assistance under part E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendment made by subsection (a), such plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. DEWINE. Mr. President, I intend to talk for approximately 10 minutes about this amendment, and then, for reasons which I am going to discuss in just a moment, withdraw the amendment. But I want to discuss it. I inform my colleagues that it will take approximately 10 minutes.

Mr. President, my amendment deals with the issue of foster care. It is my understanding that because the Senate bill has no language in this bill on the issue of foster care that my amendment would be considered not to be germane. The House bill does deal with foster care. Therefore, if we had a House bill before us it obviously would be germane. Because of this, after a few brief remarks, I am going to withdraw this amendment.

But I would like to discuss tonight what I consider to be a very important issue. It is the issue that my amendment addresses. It is the subject of a freestanding bill that I have just a few moments ago introduced. I believe that the idea contained in the bill, the idea contained in my amendment, must be acted upon; if not in this bill then in a subsequent bill. And I have previously discussed this issue at length on the Senate floor. I want to take just a few moments now to revisit the issue, and to talk to my colleagues about it.

In 1980, Congress passed the Adoption Assistance and Child Welfare Act, known as CWA. That 1980 act has done a great deal of good. It increased the resources available to struggling families. It increased the supervision of children in the foster care system, and it gave financial support to people to encourage them to adopt children with special needs.

Mr. President, while the law has done a great deal of good, many experts are coming to believe that this law has actually had some bad unintended consequences. The bad unintended consequences were not because of the way the law was written and not because of the way the lawmakers intended in 1980 that it happen, but, frankly, because the law has been grossly misinterpreted.

Under the 1980 act, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services. And that plan must be approved by the Secretary of HHS. This plan must provide, and I quote. Here is the pertinent language, referring now to foster care:

In each case reasonable efforts will be made, (A), prior to the placement of a child in foster care to prevent or eliminate the need for removal of the child from his home; and, (B), to make it possible for the child to return to his home.

In other words, Mr. President, the law very correctly says we should try family reunification. The law put money behind that. That is the right thing to do. But, Mr. President, this law has been misinterpreted. In other words, Mr. President, no matter what the particular circumstances of the household may be, the State must make reasonable efforts to keep it together and to put it back together, if it falls apart.

What constitutes reasonable efforts? Here is where the rub comes. How far does the State have to go? This has not been defined by Congress nor has it been defined by HHS. This failure to define what constitutes reasonable efforts has had a very important and very damaging practical result. There is strong evidence to suggest that in the absence of a definition reasonable efforts have become in some cases extraordinary efforts, unreasonable efforts; efforts to keep families together at all costs. These are families, Mr. President, that many times are families in name only and parents that are parents in name only.

In the last few months I have traveled extensively throughout the State of Ohio talking to social work professionals; talking to people who are in the field every day dealing with this issue.

In these discussions, I have found that there is great disparity in how the law is being interpreted by judges and by social workers. In my home State of

Ohio we have 88 counties, and I would venture to say the law is being interpreted 88 different ways and in some counties with many juvenile judges it is interpreted differently within that same county by different judges.

Let me give you an example. This is the easiest way that I can explain it. I posed this hypothetical, which it turns out in some cases, unfortunately, is not a hypothetical, but I made it up, I posed a hypothetical to representatives of children's services in both rural parts of Ohio and urban counties.

Here is my hypothetical. The mother, Mary, is a 28-year-old, crack-addicted individual who has seven children. Steve, the father, 29-year-old father of the children, is an abusive alcoholic, and all seven of their children have been taken away, taken away permanently by the county, by the State over a period of time. In each child's case, courts have decided these people cannot have this child; they are abusive; it is dangerous for the child. Not only that, we are taking them away permanently. The mother gives birth now to an eighth child. This newborn tests positive for crack. Therefore, it is very obvious that the mother is still addicted to crack. The father is still an alcoholic. Those are the facts.

Pretend for a moment that you work for the county children's services department. Here is the question, the question I posed to numerous people across Ohio. Does the law allow you to get the new baby out of the household, and if you do, should you file for permanent custody so that baby can be adopted? Can you file for permanent custody so that baby can be adopted?

The answer, I believe, will surprise and shock you. In fact, I was surprised at the response I got when I asked a number of Ohio social work professionals that very question. The answer varied from county to county but I heard too much ''no'' in the answers I got. Some officials said they could apply for emergency custody of the baby, they would get emergency custody and take the child away on a temporary basis, but that they would have to make a continued effort—do you believe this? They would then have to make a continued effort to send the baby back to the family, back to the mother, back to the father.

Other social workers said if they went to court to get custody of the baby, they probably would not be able to get even temporary custody of this little child. Most shocking of all, Mr. President, is the issue of adoption. I asked then with this hypothetical, with the seven children already having been taken away, with the eighth child now testing one day positive for crack, mother clearly still on crack, showing no signs she is going to get off, father continues to be an alcoholic, continues to be an abusive alcoholic, with all of those facts, how soon could I expect that this poor little baby would be eligible to be adopted?

Most shocking of all is the answer I got. The lowest figure I got was 2 years. That was the best I got; it would take 2 years for this child to be eligible to be adopted. In one urban county in the State of Ohio—and this is not unusual to Ohio—I was told it would take 5 years before that child was eligible to be adopted—5 years.

One social worker, just one out of the ones I asked, told me that her department would move immediately for permanent custody of the baby, but she said their success would depend on the particular judge that is assigned to the case.

Mr. President, should our Federal law really push the envelope this far? Should this Federal law really require extraordinary efforts? Should it require extraordinary efforts be made to keep that family together, efforts that any one of us clearly would not consider to be reasonable based on past history? I had one social worker look me in the eye and say, ''Senator, the problem is the way our courts interpret this law, we can't look at any history. We can't learn from the history of that family. We can't learn from the history of that abusive father or that abusive mother. We have to start over again each time.''

It is clear that after 16 years of experience with the law, there is a great deal of confusion as to how the act applies. Again, I do not believe that is the fault of the authors. I think that is just the way it has been interpreted. I would not interpret the law that way, but the fact is after 16 years we know it is being interpreted that way and is going to be interpreted that way.

My legislation is very simple, very short. My legislation would clarify once and for all the intent of Congress in the 1980 act. My legislation would amend that language in the following way. I am going to read in a moment what my language would add. I want to first state to the Senate that I would not change any of the language in the current law. I would add to it, but I would not change it. I would not change the requirement for reasonable efforts to be made to reunify a family. That is a positive thing. That is something that we should try whenever it is reasonable to do so. The people who make that decision are the people on the front lines, the social workers, the children's service agencies, the people who have to make life-and-death decisions. They are the ones who are going to have to make the decision. I just want to clarify the law and to get it back to where I think the framers of the law, people who wrote the law in this Congress in 1980, intended it to be. So I would add the following, after the current language:

In determining reasonable efforts, the best interests of the child, including the child's health and safety, shall be a primary concern.

Let me read it again:

In determining reasonable efforts, the best interests of the child, including the child's health and safety, shall be a primary concern.

I think that settles it; it clarifies it. Again, I think it does what the framers wanted.

In conclusion, Mr. President, the 1980 act was a good bill. There are some families that need a little help if they are going to stay together, and it is right for us to help them. That is what the Child Welfare Act did. But by now it should be equally clear that the framers of the 1980 act did not intend for extraordinary, unreasonable efforts to be made to reunite children with their abusers.

As Peter Digre, the Director of the Los Angeles County Department of Children and Family Services, testified at a recent House hearing, ''We cannot ignore the fact that at least 22 percent of the time infants who are reunited with their families are subjected to new episodes of abuse, neglect or endangerment.''

That was not the intent of Congress in the 1980 law, but too often that law is being misinterpreted in a way that is trapping these children in abusive households.

I believe we should leave no doubt about the will of the American people on this issue affecting the lives of America's children. The legislation I am proposing today would put the children first.

Now, Mr. President, for the reasons that I have stated in the beginning, I reluctantly ask the Chair to withdraw the amendment.

I ask unanimous consent to have the amendment withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 4920) was withdrawn.

AMENDMENT NO. 4911

Mr. DEWINE. I yield the floor.

Mr. SANTORUM. Mr. President, I ask unanimous consent it be in order to ask unanimous consent to order the yeas and nays on amendment 4911.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would make a series of notions to strike provisions in S. 1956.

Mr. SANTORUM. Will the Senator from Florida agree to a time agreement at this point?

Mr. GRAHAM. Mr. President, 40 minutes, equally divided.

Mr. SANTORUM. I ask unanimous consent to have 40 minutes equally divided on the Graham motion without a second-degree amendment in order.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. I would modify that. It will require more than a single motion in order to strike the sections which I intend to strike from title II,

chapter C, of S. 1956. So could the reference to ''motions'' be placed in the plural?

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

Mr. GRAHAM. Mr. President, the purpose of the series of motions which I will make, which I hope will be considered as a single motion for purposes of our final vote, is to strike from this legislation those sections which relate to the eligibility of legal immigrants—legal immigrants—to receive various Federal needs-based benefits. I do this because to have this language in this welfare bill is both redundant and punitive in terms of those communities which have large numbers of legal immigrants and will have significant costs shifted to them as a result of this legislation.

I am joined in this effort by Senators SIMON, MURRAY and FEINSTEIN, who also recognize it would be inappropriate, and a duplication, to consider matters which have already been resolved by this body.

As we will all recall, it was only a few weeks ago, May 2, to be precise, that the Senate passed the Immigration Control and Financial Responsibility Act. This act, which had as its primary objective controlling illegal immigration into the United States, also contained provisions that restrict the rights of legal aliens to a variety of Federal needs-based programs.

This legislation was the result of extensive hearings and markups in the Judiciary Committee. It was subjected to exhaustive floor debate which lasted well over a week in the Senate. The majority of the time spent on the immigration bill dealt with the public benefits for legal and illegal immigrants. The availability of Supplemental Social Security Income, Aid for Families with Dependent Children, Medicaid and Medicare for immigrants, was examined during several floor votes which resulted in a comprehensive Senate bill.

I am going to say, I hope with not excessive arrogance, that this is a subject which I know something about. I was Governor of Florida in 1980 when over 125,000 immigrants in various legal categories came to my State in a period of a few weeks. Since that time, it has been estimated that the total unreimbursed cost of that incident to the State of Florida was in excess of $1.5 billion. Those were costs associated with health care, social services, education, housing, job training—a variety of activities which were necessary in order to facilitate the assimilation of that large population into the population of the State of Florida.

The State of Florida has tried for the better part of 15 years to get recognition of those costs which were incurred because of Federal immigration decisions, but which ended up being an unreimbursed, unfunded mandate on the State of Florida. This case finally ended up in the U.S. Supreme Court earlier this year. The decision of the U.S. Supreme Court: This is not a judicial issue. If the State of Florida, and other States which might be similarly affected, is to be dealt with, it has to be dealt with by a political judgment, not by a judicial remedy.

What distresses me is after having spent weeks shaping the bill which was intended to provide that type of structured legal response by the Federal Government when such impositions are placed by Federal action on a particular community or State, we now, in a bill which is going to be subject to 20 hours of debate—here it is after 10:30 at night—we are about to substantially rewrite, discard the fundamental policy premise of our previous actions and almost quadruple the amount of the unfunded mandate we are going to impose on affected States. In addition to the inappropriateness of us rejecting our previous work, we are making some very significant policy decisions without the kind of attention that we afforded to our earlier action on immigration.

What are some of those decisions we are about to make? In the previous bill, we used the concept of deeming. I wish the Senator from Wyoming were with us this evening, because he explained in great detail and on a repetitive basis what the theory of deeming is. It is that if a person sponsors a legal alien to come into this country, that that person should assume the financial obligations that will guarantee that their sponsored legal alien will not become a public charge.

Therefore, in terms of evaluating whether that legal alien qualifies—for instance, for Medicaid—you would add the income of the sponsor to the income of the legal alien. And if the combination of those incomes exceeded the eligibility threshold, then the legal alien would no longer qualify for that particular needs-based service. That concept of deeming that we worked so carefully on in the immigration bill is largely replaced in this legislation by absolute prohibitions against legal aliens being able to access these Federal programs.

Much of the legislation that we considered earlier and passed on May 2 was based on a recommendation of the U.S. Immigration Commission, which was established by act of Congress in 1990, and which issued a series of reports in the mid-1990's. This report, issued in 1994, entitled ''U.S. Immigration Policy: Restoring Credibility,'' while it spoke well of the concept of deeming as a means of assigning responsibility for legal aliens, went on to say:

> However, circumstances may arise after an immigrant's entry that create a pressing need for public health: unexpected illnesses, injuries sustained because of serious accident, loss of employment, death in the family. Under such circumstances, legal immigrants should be eligible for public benefits if they meet other eligibility criteria. We are not prepared to remove the safety net from under individuals who we hope will become full members of our polity.

That is precisely what this legislation does. It removes the social net.

This also will make a very significant difference in the dollar amount of unfunded costs shifted to the States. Under the bill we passed as immigration reform, the cost over 7 years was $5.6 billion.

This bill will impose an unfunded mandate of $23 billion over the next 7 years on States. Mr. President, in deference to the limited time that we have and the lateness of the hour, I will not unduly burden the Senate with the reports which I have, but I ask unanimous consent to have printed in the RECORD a statement from the National Association of Public Hospitals and Health Systems which outlines what the costs are going to be just in the one sector of health care institutions which are going to be a principal target of these unfunded mandates.

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

STATEMENT OF THE NATIONAL ASSOCIATION OF PUBLIC HOSPITALS AND HEALTH SYSTEMS IN SUPPORT OF SENATOR GRAHAM'S AMENDMENT

The National Association of Public Hospitals and Health Systems (NAPH) strongly supports Senator Graham's amendment, cosponsored by Senator Simon, to strike Title IV from the welfare reform legislation. NAPH is strongly opposed to the legal immigrant provisions in the welfare reform bill because barring legal immigrants from Medicaid eligibility for five years and deeming legal immigrants out of Medicaid eligibility until citizenship would jeopardize the health care safety net in many urban areas.

Public hospitals would still treat immigrants but receive no reimbursement. Most low income legal immigrants cannot afford health insurance. Because of the legislation, however, all legal aliens will be ineligible for Medicaid.

Public hospitals would have new burdens of uncompensated care. The bar on Medicaid eligibility and Medicaid deeming would lead to an increase in the number of uninsured patients and exacerbate an already tremendous burden of uncompensated care on public hospitals and other providers who treat large numbers of low income patients. This is a cost shift from the federal government to state and local entities and providers.

Public hospitals would bear the costs of welfare reform. The cost shift created by the welfare legislation would disproportionately fall on public hospitals in states with large numbers of legal immigrants, such as Florida, California, Texas, New York, and Illinois. Public hospitals in states with lower levels of immigration would also bear the costs, because legal immigrants are part of almost every community.

There would be new public health risks. The loss of Medicaid coverage means that the amount of preventive care provided to legal immigrants would be drastically reduced, thereby exposing entire communities to communicable diseases while increasing the overall cost of providing necessary care.

Mr. GRAHAM. Mr. President, there are two other aspects of the policy shifts in this legislation. The immigration bill contained the shift in eligibility, the constriction of eligibility based on deeming for legal aliens in order to generate funds that would then be used to finance the programs

that were authorized in the illegal immigration sections of that bill to better protect our borders. What we are about to do here is to take all the money that is in the immigration bill that is intended to be used for border enforcement and divert it for the purposes of this welfare reform bill.

So all of the promises that we made, for instance, to the people along the Southwest border, that we are going to have more Border Patrol agents, fencing, and other steps to enforce our borders against illegal immigration are going to be ashen, because we, by this action, have taken all the money that we have provided to finance those enhancements to our borders. It is, in part, for that reason, I suspect, that Senator FEINSTEIN, who has been such a leader in the efforts to protect our borders, is a cosponsor of this amendment.

Finally, I suggest, Mr. President, that this is a very clear back-door way to accomplish the same objective that this Senate on several occasions rejected when we were debating the immigration bill, and that is a sharp reduction on the rights of legal immigration into this country which we know is primarily the right to reunify families.

Why is this a back-door constraint on legal immigration and particularly family reunification? The reason is because we are making it so financially onerous for sponsors. We are raising the specter of their own impoverishment as a result of bringing a loved one, a child, a spouse, a parent into this country that we are going to effectively, through coercion, accomplish the same thing that this Senate, by direct action, refused to do, which was to make it more difficult for legal aliens to reunite with their families.

So, Mr. President, this amendment, this series of motions to strike will eliminate those sections of the legislation that relate to the eligibility of legal aliens to a variety of Federal benefits. I underscore that this is not to say that we are not going to restrain those benefits, but we would do so through the immigration bill that we have passed, a bill that had the considered judgment of this Senate as opposed to doing it through a welfare reform bill where this matter is getting virtually no consideration.

We are going to do it through the concept of deeming rather than the concept of a total prohibition. We are going to do it at a reasonable level of $5.6 billion which I personally think is, in itself, excessive, but pales in comparison to the $23 billion of reduction that is contained in this welfare bill.

AMENDMENT NO. 4921

(Purpose: To strike the provisions restricting welfare and public benefits for aliens)

Mr. GRAHAM. Mr. President, I send an amendment to the desk, and I ask unanimous consent that the time I have used thus far be counted against my time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mrs. FEINSTEIN, Mr. SIMON, Mrs. MURRAY and Mrs. BOXER, proposes an amendment numbered 4941.

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:

Beginning on page 562 strike line 5 through the end of line 23 on page 567.

Beginning on page 567 strike line 14 through the end of page 582 line 2.

Beginning on page 585 line 13 strike all through the end of line 25 on page 587.

Mr. GRAHAM. Mr. President, I reserve the remainder of my time.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I think this is an area where there is just a disagreement in philosophy. I respect the Senator from Florida, and there probably is not a Member in this Chamber who knows more about the difficulty in dealing with a large number of legal immigrants in this country than the former Governor of Florida. But I think there is just a philosophical difference here, or a difference of what we believe is fair and equitable in this country.

What we are talking about is a particular class of legal immigrants. We are not talking about refugees, people who come to this country seeking refuge from persecution in their homeland. All refugees are excluded from the provisions of this bill. In other words, they are fully entitled to the array of social welfare benefits provided by the Federal Government.

Asylees, for example, the two Cuban baseball players—they are probably not going to need any social welfare benefits given their talent level, but if they were not so talented and were here in this country claiming political asylum, they would continue to be eligible for a variety of welfare benefits.

We are, in a sense, to my understanding, unique in that respect around the world. There are, to my knowledge, no other countries that do provide welfare benefits to legal immigrants and their noncitizens in their country. So, in a sense, we are keeping very much with the tradition of our country, with the Statue of Liberty when we suggest that those who are under persecution at home, that those who are in need of this country as a beacon of freedom are, in fact, provided for by this country. So I think that is something we should all agree on, be proud of and, obviously, continue, and we do that in this bill.

What we do not continue in this bill, and I think wisely do not continue, is to continue to provide benefits to what are called sponsored immigrants. Sponsored immigrants are immigrants who come to this country, and almost all come to this country through a family unification provision, which is to unify a family, whether it is a spouse or a child or a mother or a father or a sister or a brother. They come to this country to unify a family, and when they do so, the citizen of this country, who is the sponsor, signs a document. The document says that I will take financial responsibility for this person who I want to bring to this country for a period of 5 years, and that all of my assets are deemed available and in the possession, so to speak, constructive possession of the person coming into this country for purposes of evaluating whether that person is eligible for welfare or other Government benefits. That is current law.

But the problem with this whole agreement is it is not legally enforceable, and they are not enforced. In fact, one hand does not know what the other hand is doing. The welfare department has no idea what the immigration status is, and, in fact, these benefits are handed out without really much knowledge of the immigration status of the individual involved.

What we are seeing—and the Senator from New York and the Senator from New Mexico discussed this earlier today—is a trend. I say it is even more than a trend, it is an avalanche, and the avalanche is elderly family reunification, elderly being the bringing over of mom or dad to this country.

Mom or dad being 60 or 70 or 80 years of age, coming to this country, you know, the doting son signs the sponsor agreement. And lo and behold, mom, who is disabled, ends up on SSI. Or if you are elderly, because you qualify when you are over 65, you end up on SSI. The Federal Government and the taxpayers of this country become the retirement village supporters of the entire world.

I do not think that is what the intent of these provisions was for. I think we have seen a real pattern of abuse here of a document that is not legally enforceable, which is the sponsorship agreement, and a tremendous number of people coming over here and using the SSI system as, in fact, the retirement system for many people all across the world. So what we have said is that we do not want to continue to have this incentive.

We, as members of the Ways and Means Committee over in the other body, heard testimony on numerous occasions about how it was well known—and in fact it went throughout many refugee camps in Southeast Asia and other places; that was one of the items of testimony—about how this was this great system that America had, that you can get over here and you could array yourself in all these wonderful benefits.

People should come to this country because they want the benefits of our society, not the benefits of our welfare system. I think that is where we really

have to draw the line here. So I think we have held up our responsibility to the fabric of our society, which is to invite those who are in need to come here, and we will in fact help you get started.

But I think we have drawn the line saying, if you want to bring a member of your family over and you sign a document saying that you will take financial responsibility for them, live up to the document, provide for them. In fact, if you want—after 5 years, under current law, you are eligible for citizenship. If you apply for citizenship, you do what is necessary to prepare yourself for citizenship, and comply and apply and pass all your tests, you can, too, be eligible for the wide variety of welfare programs that we have in this country.

But, I mean, we talk in terms of people coming here for welfare. The fact is, the vast majority of people do not come here for welfare. They come here because America is the land of opportunity, and unfortunately what we have seen is because of the abuse in this area, it has caused a lot of some of the anti-immigrant feelings that are seen in many areas of the country and by many people in this country.

I think what we have a responsibility to do—I joined with Senator DEWINE and Senator ABRAHAM on this side of the aisle, I know Senator GRAHAM and others on the other side of the aisle, in not restricting the caps on immigration. I am proimmigration. I am the son of an immigrant. I am not one of these people who says, ''I'm in. OK. Close the door.'' I believe immigration is important to the future of this country.

But I believe if we have programs that are abused, if we have programs that in fact call into question the immigration policy in this country, that cast a broad shadow over immigration in general, we have a responsibility to the taxpayers, No. 1, but also to the sentiment of immigration in this country, No. 2, to clean up the mess, to put a better face on immigration, to show that we have our act together in providing immigration to those who truly are in need, but not to those who are abusing the system.

If we clean that up, I think we improve the image of immigration and there is less pressure on lowering those caps and doing other things that I think could be harmful with respect to the area of immigration and, I think, save the taxpayers a whole bundle of money in the process.

I think those are all very positive things that happen. That is one of the reasons that this provision that is in this bill is included in the Democrat substitute and has been included in, I think, all the House bills that have been considered.

I think it has very strong bipartisan support. While I think the Senator from Florida is well-intentioned and certainly is, I think, sensitive to the needs of the many thousands of immigrants who are in the State of Florida, I think we have taken a judicious swipe at this issue and have cut appropriately. I hope we will support the underlying bill and be in opposition to the amendment of the Senator from Florida. I reserve the remainder of my time.

Mr. GRAHAM. Will the Senator from Pennsylvania yield for a question?

Mr. SANTORUM. I will be happy to.

Mr. GRAHAM. Did the Senator from Pennsylvania state that these provisions that are not bars to eligibility only apply to those persons who come into the country with a sponsor who has assumed the financial obligation?

Mr. SANTORUM. I mean, I have not combed over the Finance Committee bill, but that has been my understanding all along.

Mr. GRAHAM. Will the Senator please turn to section 2402, which is one of the sections that my motion would strike?

Mr. SANTORUM. Can you tell me what page that is on?

Mr. GRAHAM. Page 234 on my copy, but at a different page—

Mr. SANTORUM. I have section 2402 before me.

Mr. GRAHAM. It states that:

> Notwithstanding any other provision of law and except as provided in paragraph (2), an alien who is a qualified alien (as defined in section 2431) is not eligible for any specified Federal program (as defined in paragraph (3)).

So thus we then have to go to section 2431 to determine what the definition is of a ''qualified alien.'' Subparagraph (b) of that section says:

> For purposes of this chapter, the term ''qualified alien'' means an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is—

Among other things—

> (2) an alien who is granted asylum under section 208 . . .
>
> (3) a refugee who is admitted to the United States under section 207 . . .
>
> (4) an alien who is paroled into the United States under section 212(d)(5) . . .

None of these people have a sponsor. If I have misread the language of this section, I will appreciate being corrected. But that is a very fundamental issue as to who is intended to be covered.

Mr. SANTORUM. What I think this provision says is they are eligible for a 5-year exemption under the law, and then they have to become citizens.

Mr. GRAHAM. The Senator said the only people this applied to were those who had a sponsor who could assume responsibility. I understood the Senator to say specifically, for instance, they did not apply to refugees who were admitted because they are fleeing legitimate persecution.

Mr. SANTORUM. Yes. The Senator is absolutely right. This is different than I understood the provision to be. The difference is—and the Senator is correct—that aliens, refugees, et cetera, are eligible for 5 years until they become eligible for citizenship, and then we expect them to become citizens or they will not be eligible in the future.

Mr. GRAHAM. Mr. President, I think this question precisely underscores why I have offered this series of strikes. We spent a week-plus on this floor in April and May debating a comprehensive immigration bill. We came to a studied judgment as to how, for whom, for what time period benefits for legal aliens should be constrained. We came to a judgment that said over the next 7 years the restraint should have a dollar figure of $5.6 billion.

Tonight we are debating a provision that purports to reduce the benefits of legal aliens by $23 billion, four times more than what we had purported to do just a few weeks ago. Yet there is not the opportunity for careful scrutiny and study. Therefore, fundamental misconceptions as to who this applies to are being presented on this legislation on which our colleagues are going to be asked to vote.

I think the prudent thing to do is to adopt the motions to strike that I have offered and let these issues be resolved in the conference committee which is now in place to settle the immigration bill and not attempt to do these things at now 11 o'clock at night on a bill that has received not a scintilla of the kind of analysis insofar as it relates to the impact on legal aliens as did that immigration bill.

That is the argument that I make in support of my motions to strike these provisions. This has very serious implications, not only to the individuals involved, but to the communities in which legal aliens elect to live.

As an example, in a study by Los Angeles County of what this will mean in terms of health care in that community, there are estimates that they have 93,000 legal immigrants who would lose their SSI benefits, making them automatically eligible for county funded general assistance. That would cost Los Angeles County $236 million a year in additional costs. I do not think we ought to be imposing an unfunded mandate of $236 million on the citizens of Los Angeles County in the cavalier manner that I suggest we are about to do.

We have a process. The conference committee focused on immigration with Senators and Members of the House who were selected because of their knowledge and background on that subject matter, several of whom have served on these important commissions on immigration. That is the form which these issues ought to be resolved, not in this welfare bill.

Mr. DODD. Will the Senator yield?

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

Mr. DODD. Mr. President, it is awfully late here. Our colleague from Pennsylvania gets saddled with the responsibility of providing analysis for I do not know how many pages in the bill, and it is not easy, but I think our colleague from Florida, despite the late hour and the fact there are only a

handful of us here, is a classic example of offering insight that we probably were not aware of.

I hope those who understand this bill would look carefully at the suggestions our colleague has made, because, as I understood it, this is the kind of thing which none of us intended to be the case. We are talking about a category of people who come here legally, who fall into circumstances that all of us have agreed should not be denied benefits. There is no debate about that. I think we have resolved that.

I urge staff and others who might look at this, so that tomorrow when we are asked to vote on matters as we gather in the well, there will not be the benefit that those of us sitting here today will have had of the very careful analysis of the Senator from Florida. My hope is, and I say this so our friends from Pennsylvania and Delaware who are here, who have staff here to look at this, so tomorrow when our colleagues gather we will have an opportunity to pass judgment on this, and if it is as our colleague from Florida has suggested, we might adopt that amendment maybe by voice vote, go to conference, and try and resolve some of the matters.

They may take an opposite point of view, but I urge that thought be given to that. Most of our colleagues, if they have any sense at all, are fast asleep by this hour. I see that our Presiding Officer is a surgeon. He may make recommendations for all of us here. We all know what it is like when it comes time to vote. We come in, there are papers at the desk, we vote aye or we vote no, we do not have a chance to benefit from the exchanges that have occurred here.

I urge our staffs take a good look at this, and if the Senator from Florida is correct, I urge, in the spirit of bipartisanship, that we try and set that matter aside for conference so as not to unwittingly adopt some provisions that I think none of us would agree with.

Mr. SANTORUM. Mr. President, with all due respect to my friend and colleague from Connecticut, I am not too sure there is anything unwitting going on here. This was a provision that was in the Senate bill when it passed 87 to 12. It was in the conference report; it was in the original bill that was introduced. This provision has really been unchanged for quite some time and has been, as I said, not only included in the Republican bill, but the Senator from Connecticut himself stood up on the floor when the Senator from New Mexico and the Senator from New York said, ''What are you guys talking about? This provision on illegal immigrants, it is in our bill. You should not be talking about that.''

I think there has been very broad support of this issue. It saves a significant amount of money. It is $18 billion. Obviously, the Senator from Florida does not have any offset there to put us within our reconciliation target, so this puts us well beyond, well under our reconciliation target, No. 1.

No. 2, the Senator from Florida talks about the potential for an unfunded mandate. We have a CBO estimate here that there is no unfunded mandate here, including the provision in this bill that the bill does not provide an unfunded mandate. So we have no unfunded mandate with this provision included in the bill, No. 1.

No. 2, we lose $18 billion of a $50-some-odd-billion savings in this bill with this provision.

No. 3, it has been adopted on many occasions, included in both parties' bills, and we had a vote on it the last time we were here, and it was voted down.

I think to suggest that someone is being hoodwinked here or that there is some substantial question as to whether this is a legitimate way to reform the system, I do not think is borne out by the history of these provisions. I think these provisions have been tested. These provisions have had broad bipartisan support. I am hopeful tomorrow that broad bipartisan support will continue.

Mr. DODD. I will not dwell on this. I do not believe our colleague from Florida was on the floor when our colleague from New York, and the chairman, Senator DOMENICI, had a chart they raised and talked about legal aliens, the parents of citizens, who under the deeming process—

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I ask unanimous consent I be able to proceed for 3 minutes.

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

Mr. DODD. As I understood it, those were the parents of citizens who would come in legally, and under the deeming process their children assumed, as my colleague from Pennsylvania properly described, the financial responsibility of those parents coming in. The exchange was that both the Democratic proposal and the underlying bill prohibit that kind of situation from persisting. I think we all agree on that.

Mr. SANTORUM. I suggest to the Senator from Connecticut that with the amendment of the Senator from Florida, that would not be; it would strike the provisions that eliminate that, that that situation could continue.

Mr. DODD. I understand that part of it. I think we would want to keep it. What I understood, this went beyond that, which I am not as knowledgeable as our colleague from Florida. In addition to that, you have refugees, asylees and others who would not necessarily fall into the category, or they did not have a sponsor and got here.

That is what he is trying to carve out. That is why I suggest staff get together. Maybe I misunderstood.

I yield to the Senator from Florida.

Mr. GRAHAM. Mr. President, to be clear, my argument is that this is a redundant and inappropriate piece of legislation to be considering the issue of the eligibility of legal aliens for Federal benefits. That is exactly what we did in the immigration bill.

We spent days on the floor and weeks in the appropriate committee considering the nuances of that legislation, including its impact on the communities, which would now have to carry the cost that previously had been a partnership between the States, the communities, and the Federal Government.

I am suggesting what we ought to do is let that process come to fruition. The House has passed an immigration bill. The Senate has passed the immigration bill. They are in conference. They have been in conference since mid-May. Let that forum decide what should be the benefits that the Federal Government would provide for legal aliens. Do not do it in this welfare bill.

I think the very fact that we are proposing to reduce those benefits by $23 billion, when just a few weeks ago we thought the appropriate level of reduction was $5.6 billion, ought to raise in our minds whether we really know what we are doing here.

The statement that this is not an unfunded mandate, how in the world is it not going to be an unfunded mandate when the Federal Government denies coverage to large groups of people and imposes that cost for the sick, the elderly, those who require special other assistance, is going to end up being a responsibility of States and local governments.

If I could use one example, the U.S. Government has entered into an agreement with the Cuban Government which sets up a process by which 20,000 Cubans each year will come into the United States. Most of them, when they come into the United States, come under the category of parolees. Currently, the Federal Government, which is the government that signed this agreement, is responsible for the financial cost of that group of new arrivals if they, for instance, become eligible for health care because they are indigent and they are in need of health care.

This is going to say that, for the first year, that group of people will not be eligible for any Federal assistance. Who is going to pick up those costs? Eighty percent plus of those people end up in Dade County, FL. I can tell you who is going to pick up the cost. Jackson Memorial Hospital and the other health care providers in the community are going to be paying for the costs, and it will become—in the classic definition of an unfunded mandate—an unfunded mandate to render services to a group of people who the Federal Government has determined shall enter the community without any Federal financial participation in paying those costs.

We dealt with that issue specifically in the immigration bill, and we did not reach that, I think, quite unjust result. This would reverse a decision that we have previously made.

So my argument, Mr. President, is a simple one—not that we should not

face the issue and try to accomplish some of the objectives the Senator from Pennsylvania strives to do; but we ought to do it in the proper form with the proper consideration and with the proper level of respect to the communities that are going to be most affected by the ultimate decisions we will make. I believe striking these provisions out of this bill, which then turns to the more appropriate forum of the immigration conference committee as the means by which we would reach ultimate judgment, is the appropriate policy. I hope the Senate will concur when we vote on this issue tomorrow.

Mr. ROTH. Mr. President, I would just like to point out that it is, of course, the Finance Committee that has jurisdiction over these programs. I point out that the provisions that are contained in the legislation before us were also contained in H.R. 4, as well as the Balanced Budget Act of last year. So this legislation has been acted upon in the Congress twice.

I further point out that the matter was considered in committee, and on that committee we have a number of members of the Judiciary Committee. On the Republican side, these provisions were supported.

So I do not think it can be said that this is a matter that just came up in the wee hours of this evening. It has been a matter carefully considered in committee, as well as on the Senate floor.

I also point out that much of these provisions, although not entirely in the same form, were included as part of the Democratic substitute.

So I think it is important that we bring this into the proper perspective. I want to point out that much of the savings that would come about through this legislation are through the changes that are being made in welfare programs for noncitizens. These people came into the United States on the basis that they would not become a public charge. S. 1956 requires noncitizens to live up to their end of the bargain by requiring them to work or depend on the support of their sponsors and not rely on the American taxpayers.

I yield the floor.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on the motion to strike.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4922

(Purpose: To correct provisions relating to quality standards for child care)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Ms. SNOWE, Mr. KENNEDY, Ms. MIKULSKI, Mr. HARKIN, Mr. KOHL, Mr. KERRY, Mrs. MURRAY, Mr. KERREY, Mr. COHEN, Mr. REID, and Mr. LEAHY, proposes an amendment numbered 4922.

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 amendment is as follows:

In the amendment made by section 2807, strike ''3'' and insert ''4''.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator SNOWE, and others.

This deals with the child care section of the legislation. Let me just very briefly describe the amendment to my colleagues. The reconciliation bill reserves 3 percent of the child care funds to improve the quality and availability of child care. Using current law projections, Mr. President, this proposal would represent a reduction of approximately $400 million over 6 years for the quality and increased availability of child care, and buildings and accommodations for those children who will need it.

This amendment increases the funds reserved for quality from 3 percent to 4 percent, reducing the shortfall in funds to about $200 million over 6 years, about half of what the shortfall would be without this amendment.

I point out, Mr. President, that the House has adopted a similar provision of 4 percent, so we would be conforming with this legislation to what is already included in the House language.

Earlier in the day, Mr. President, I made a case for the importance of health and safety standards for our child care settings, and I pointed out that in recent studies of child care facilities in this country, only 1 in 7 day care centers received a rating of good quality care, with even fewer programs—8 percent—providing good quality care for infants and toddlers. In the same study, 40 percent of rooms serving infants and toddlers provided less than minimum quality care in the country.

I do not think I need to make the case here. I think we all agree and understand the implications of the legislation. There is unanimity here on the concept of moving adults from welfare to work. We all understand that many of these adults, of course, have children who are going to require child care of one kind or the other.

As I pointed out earlier in the day, of the 13 million people in this entire country who receive AFDC, 8.8 million of the 13 million are under the age of 18; 78 percent of the 8.8 million are under the age of 12; and 46 percent of the 8.8 million are under the age of 6. There are 4.1 million adults who collect AFDC. So as we take the 2 million adults, of the 4 million that this bill requires we put to work over the next 7 years, at least anyway, 78 percent of that 8.8 million, you can argue actually a higher number will require some form of child care setting—a significant amount. We are told the numbers will get larger in the coming years.

So we want to put adequate quality child care out there. We have made the case that for automobiles and pets we have standards. If you leave your pet someplace, certain standards have to be met. What we are trying to say here is, when it comes to our Nation's children, minimum standards should be met, and there should be some quality control.

We leave it to the States, Mr. President, to decide in specificity what those quality standards ought to be. We do not try to mandate here specific requirements, except in a broader context. So we are not violating the notion that States meet those standards. I point out, by the way, that this is language that we adopted—my colleague from Delaware will recall—going back to 1990, under the Bush administration, when Senator HATCH and I authored the Child Care Block Grant Program that was supported by the Bush administration and adopted here. We included quality and health and safety standards.

Earlier today, with the support of Senator COATS, Senator KASSEBAUM, Senator SNOWE, and others, we adopted the health and safety standards in the bill. This amendment offered by Senator SNOWE and I would raise from 3 percent to 4 percent an allocation for quality, and I hope that my colleagues will see fit to support this amendment. I think it improves the bill.

With that, I would not necessarily ask for a rollcall vote because I understand that it may be acceptable to the majority. If that is the case, I will not ask, obviously, for a rollcall vote.

Mr. ROTH. Mr. President, I say to the distinguished Senator from Connecticut that we are willing to agree to his amendment, and consequently a rollcall vote would not be necessary.

Mr. DODD. Mr. President, I deeply appreciate my colleagues' support for the amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 4922) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, there is also an amendment. The Senator from North Carolina, Senator FAIRCLOTH, had an amendment he was going to propose, and it has to do with child care and the question of whether or not child care workers could be considered in the work sections of this bill. There was some question as to whether or not we would clear that.

As I understand it, all the health and safety standards and quality would apply. If my colleague from Delaware would confirm that for me, we would be more than willing to accept that

amendment and move another amendment along.

Mr. ROTH. Yes. I do confirm that.

Mr. DODD. I would be more than happy to clear that amendment on our side. I do not know if the Senator has an amendment and he would like to offer it. If he does, we could remove one more amendment. I am sure Senator DOMENICI, who is sound asleep, would be grateful in the morning when he arrives to find out that we agreed to one more amendment.

Mr. ROTH. Actually, I had three more amendments.

Mr. DODD. Do not get carried away.

Mr. ROTH. Do you want more?

Mr. DODD. No.

[Laughter.]

Mr. ROTH. We had the two earlier agreements.

AMENDMENTS NUMBERED 4923 THROUGH 4925, EN BLOC

Mr. ROBB. Let me start over.

Mr. President, I have a unanimous-consent agreement to propound to dispose of three amendments which have been agreed to on both sides of the aisle. They include Senator FAIRCLOTH's amendment to clarify that a welfare recipient may provide child care services to satisfy the bill's work requirement; two, Senator COATS' amendment allowing welfare recipients to establish individual development accounts; and, third, Senator ABRAHAM's amendment modifying the illegitimacy ratio.

I ask unanimous consent that it be in order for me to offer these three amendments that I send to the desk, en bloc, that they be considered and agreed to, en bloc, and that the motions to table and the motions to reconsider be agreed to, en bloc, and that they appear in the RECORD as if considered individually.

Mr. DODD. Mr. President, reserving the right to object—I shall not object—the Senator from Delaware is correct. These amendments have been cleared on this side. We are pleased to have them accepted.

The PRESIDING OFFICER. The clerk will report the amendments by number.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes amendments numbered 4923 through 4925, en bloc.

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 4923, 4924, and 4925, en bloc) were agreed to, as follows:

AMENDMENT NO. 4923

(Purpose: To encourage individuals to provide child care services)

On page 239, between lines 21 and 22, insert the following:

''(i) ENCOURAGEMENT TO PROVIDE CHILD CARE SERVICES.—An individual participating in a State community service program may be treated as being engaged in work under subsection (c) if such individual provides child care services to other individuals participating in the community service program in the manner, and for the period of time each week, determined appropriate by the State.

AMENDMENT NO. 4924

(Purpose: To provide for the establishment of individual development accounts)

On page 221, between lines 20 and 21, insert the following new subsection:

''(h) USE OF FUNDS FOR INDIVIDUAL DEVELOPMENT ACCOUNTS.—

''(1) IN GENERAL.—A State operating a program funded under this part may use amounts received under a grant under section 403 to carry out a program to fund individual development accounts (as defined in paragraph (2)) established by individuals eligible for assistance under the State program under this part.

''(2) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

''(A) ESTABLISHMENT.—Under a State program carried out under paragraph (1), an individual development account may be established by or on behalf of an individual eligible for assistance under the State program operated under this part for the purpose of enabling the individual to accumulate funds for a qualified purpose described in subparagraph (B).

''(B) QUALIFIED PURPOSE.—A qualified purpose described in this subparagraph is 1 or more of the following, as provided by the qualified entity providing assistance to the individual under this subsection:

''(i) POSTSECONDARY EDUCATIONAL EXPENSES.—Postsecondary educational expenses paid from an individual development account directly to an eligible educational institution.

''(ii) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due.

''(iii) BUSINESS CAPITALIZATION.—Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution and is restricted to use solely for qualified business capitalization expenses.

''(C) CONTRIBUTIONS TO BE FROM EARNED INCOME.—An individual may only contribute to an individual development account such amounts as are derived from earned income, as defined in section 911(d)(2) of the Internal Revenue Code of 1986.

''(D) WITHDRAWAL OF FUNDS.—The Secretary shall establish such regulations as may be necessary to ensure that funds held in an individual development account are not withdrawn except for 1 or more of the qualified purposes described in subparagraph (B).

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—An individual development account established under this subsection shall be a trust created or organized in the United States and funded through periodic contributions by the establishing individual and matched by or through a qualified entity for a qualified purpose (as described in paragraph (2)(B).

''(B) QUALIFIED ENTITY.—For purposes of this subsection, the term 'qualified entity' means either—

''(i) a not-for-profit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

''(ii) a State or local government agency acting in cooperation with an organization described in clause (i).

''(4) NO REDUCTION IN BENEFITS.—Notwithstanding any other provision of Federal law (other than the Internal Revenue Code of 1986) that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such law to be provided to or for the benefit of such individual, funds (including interest accruing) in an individual development account under this subsection shall be disregarded for such purpose with respect to any period during which such individual maintains or makes contributions into such an account.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means the following:

''(i) An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of the enactment of this subsection.

''(ii) An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of the enactment of this subsection.

''(B) POST-SECONDARY EDUCATIONAL EXPENSES.—The term 'post-secondary educational expenses' means—

''(i) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution, and

''(ii) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

''(C) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

''(D) QUALIFIED BUSINESS.—The term 'qualified business' means any business that does not contravene any law or public policy (as determined by the Secretary).

''(E) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term 'qualified business capitalization expenses' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

''(F) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

''(G) QUALIFIED FIRST-TIME HOMEBUYER.—

''(i) IN GENERAL.—The term 'qualified first-time homebuyer' means a taxpayer (and, if married, the taxpayer's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subsection applies.

''(ii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

''(H) QUALIFIED PLAN.—The term 'qualified plan' means a business plan which—

''(i) is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity,

''(ii) includes a description of services or goods to be sold, a marketing plan, and projected financial statements, and

''(iii) may require the eligible individual to obtain the assistance of an experienced entrepreneurial advisor.

''(I) QUALIFIED PRINCIPAL RESIDENCE.—The term 'qualified principal residence' means a principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986), the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence (determined in accordance with paragraphs (2) and (3) of section 143(e) of such Code).

AMENDMENT NO. 4925

(Purpose: To establish an illegitimacy reduction bonus fund)

Beginning on page 202, line 20, strike ''a grant'' and all that follows through line 13 on page 203, and insert the following: ''an illegitimacy reduction bonus if—

''(i) the State demonstrates that the number of out-of-wedlock births that occurred in the State during the most recent 2-year period for which such information is available decreased as compared to the number of such births that occurred during the previous 2-year period; and

''(ii) the rate of induced pregnancy terminations in the State for the fiscal year is less than the rate of induced pregnancy terminations in the State for fiscal year 1995.

''(B) PARTICIPATION IN ILLEGITIMACY BONUS.—A State that demonstrates a decrease under subparagraph (A)(i) shall be eligible for a grant under paragraph (5).

On page 203, line 19, strike ''(B)'' and insert ''(C)''.

On page 204, line 7, strike ''(C)'' and insert ''(D)''.

On page 204, lines 13 and 14, strike ''for fiscal year 1995'' and insert ''the preceding 2 fiscal years''.

On page 214, between lines 10 and 11, insert the following:

''(5) BONUS TO REWARD DECREASE IN ILLEGITIMACY.—

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to each State determined eligible under paragraph (2)(B) for each bonus year for which the State demonstrates a net decrease in out-of-wedlock births.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to a low illegitimacy State for a bonus year.

''(ii) TOP FIVE STATES.—With respect to States determined eligible under paragraph (2)(B) for a fiscal year, the Secretary shall determine which five of such States demonstrated the greatest decrease in out-of-wedlock births under such paragraph for the period involved. Each of such five States shall receive a grant of equal amount under this paragraph for such fiscal year but such amount shall not exceed $20,000,000 for any single State.

''(iii) LESS THAN FIVE STATES.—With respect to a fiscal year, if the Secretary determines that there are less than five States eligible under paragraph (2)(B) for a fiscal year, the grants under this paragraph shall be awarded to each such State in an equal amount but such amount shall not exceed $25,000,000 for any single State.

''(C) BONUS YEAR.—The term 'bonus year' means fiscal years 1999, 2000, 2001, 2002, and 2003.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 1999 through 2003, such sums as are necessary for grants under this paragraph.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THOMAS R. BURKE

Mr. HATCH. Mr. President, I rise to today to speak a few words in remembrance of Thomas R. Burke, whose recent, tragic death at the young age of 57 has robbed America of one of its leading health care policymakers.

Many of us in this body remember Tom Burke for his outstanding work at the Department of Health and Human Services. Indeed, I first came to know Tom over a decade ago during the confirmation process for one of the great HHS Secretaries of all time, Dr. Otis Bowen. I quickly came to admire Tom's forthright style, which some may have called gruff. But everyone respected Tom for his vigor, honesty, and impact.

In the early 1980's, Tom served as the staff director of the Advisory Council on Social Security, chaired by Dr. Bowen. When Dr. Bowen joined the Reagan administration as Secretary of Health and Human Services in 1985, he made a wise decision and chose Tom Burke as Chief of Staff of the 110,000 employee department. This was a significant honor and great responsibility—and Tom didn't let Dr. Bowen down. He stood as ''Doc's'' top-most advocate, defender, and protector, until President Reagan left office.

While many remember Tom for the Medicare catastrophic legislation, which I will discuss in a moment, Tom must be remembered for his many, many other accomplishments at HHS, including initiatives to: Strengthen patient-outcomes and medical effectiveness research; launch a public awareness campaign against alcohol abuse; propose reforms in the medical liability system; and, undertake managerial changes to elevate the Indian Health Service and rejuvenate the Commissioned Corps of the Public Health Service.

Tom Burke worked diligently on behalf of our Nation's seniors in the area of catastrophic health insurance. While we know that this legislation proved to be controversial, there is one aspect of this issue about which there can be no disagreement: Tom Burke worked hard to accomplish what he thought was in the best interest of the American public.

Indeed, the record must reflect that the original Bowen-Burke proposal was a much, much more modest proposal than that which the Congress ultimately expanded, approved and repealed. I remember well the initial idea which Tom had such a large hand in bringing to the forefront of public debate. It was a small add-on to the amount seniors pay for Medicare, under $5 a month, in exchange for which seniors would have the peace of mind of knowing they had unlimited hospitalization coverage. Unfortunately, this was not the provision which became law.

Tom was widely recognized by his peers for these accomplishments, a fact recognized by the special awards he received from Secretary Bowen and Surgeon General C. Everett Koop.

Tom Burke had a long career in public service. In addition to his work at HHS, Tom was a member of the Green Berets and also became Director of Health Policy Analysis for the Assistant Secretary for Health Affairs at the Department of Defense. These two assignments served him well in his later Government service.

Mr. President, after Tom's untimely passing, a number of us who worked closely with him wanted to express our admiration of his service to the government and of his achievements in health care policy. At this time, I ask unanimous consent that the statements of two of this body's most distinguished health care leaders—now retired—Senator Dave Durenberger, and Senator George Mitchell, be printed in the RECORD at this point.

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

STATEMENT OF SENATOR DAVID DURENBERGER

Tom Burke will always be my friend. He represents all that is good in making public policy in Washington D.C. We made a lot of it in the 1980's, especially through the Medicare program. It was Republicans and Democrats, Senate and House.

Our most significant effort was Burke-Bowen or Bowen-Burke or whatever. Neither was elected to Congress, but HHS Secretary Otis Bowen and his Chief of Staff, Tom Burke, made us who were in Congress make sense out of Medicare. They insisted we protect every elderly and disabled American from financial catastrophy because of medical, long-term care, drug price or medigap premium expenses. They created a ''Secretary's Task Force'' to iron out all the varied views; they marched it through all the Committees and the finale—a conference committee in the LBJ. Room on the Senate side of the Capitol.

I was the most recent Republican chair of the Health Sub-Committee of Finance, just replaced by George Mitchell, so Tom treated me with just enough of the deference due my office. But not so much that I didn't know he believed strongly enough in what we were privileged enough to do for America and that he'd find a way to get it done even if we had some disagreements.

America misses the policy that legislation changed. Its repeal has cost billions. And we all miss Tom now that the Lord has repealed his lease on our lives. Our last joint effort—a year ago—was his initiative too. When I retired from the Senate he called and put me to work helping him convince his beloved Indian University that its Otis Bowen Health Policy Center could really impact Washington if it had a presence here. And of course he'd carry on a part of that presence. Doing all the policy reform work that was left undone during his time with Secretary Bowen.

STATEMENT OF SENATOR GEORGE MITCHELL

Tom was a very devoted public servant who I came to know during the policy debates over Medicare Catastrophes Health Insurance in the late 1980's. Tom believed in the need to help the elderly better cope with the complexities and shortcomings of health insurance. He helped design and promote a Medicare Catastrophic benefit, even when doing so made him unpopular with some members of his political party. He cared deeply for the Medicare program and wanted to improve it for all beneficiaries. Tom fought long and hard for the passage of Medicare Catastrophic, and then renewed his fight during the ultimate repeal of the legislation. He took the defeat particularly hard,