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No. 109

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

The Lord is gracious and full of compassion, slow to anger and great in mercy.

The Lord is good to all, and His tender mercies are over all His works.—Psalm 145:8-9.

Gracious God, who gives us so much more than we deserve in blessings and withholds what we deserve for our lack of faithfulness and obedience, we praise You for Your loving kindness and mercy. With a fresh realization of Your unqualified grace to us, we recognize our need to be to the people of our lives what You have been to us and to give mercy as we have received it so generously from You. We think of people who need our forgiveness, another chance, encouragement, and affirmation. Often we punish people with our purgatorial pouts, leaving them to wonder about what they can do to regain our approval. Dear Father, help us to be agents of reconciliation and renewal. May grace overcome our grudges and joy diffuse our judgments. May this be a day of new beginnings in which we are initiative in reaching out to one another in genuine friendship. We ask Your blessing and power upon this Senate, particularly today with the multiplicity of votes ahead. Guide and direct, O great God. In the name of Jesus who taught us how to love You and to love one another. Amen.

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

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report the bill.

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

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

D'Amato amendment No. 4927, to require welfare recipients to participate in gainful community service.

Exon (for Simon) amendment No. 4928, to increase the number of adults and to extend the period of time in which educational training activities may be counted as work.

Feinstein/Boxer amendment No. 4929, to provide that the ban on supplemental security income benefits apply to those aliens entering the country on or after the enactment of this bill.

Chafee amendment No. 4931, to maintain current eligibility standards for Medicaid and provide additional State flexibility.

Roth amendment No. 4932 (to amendment No. 4931), to maintain the eligibility for Medicaid for any individual who is receiving Medicaid based on their receipt of AFDC, foster care or adoption assistance, and to provide transitional Medicaid for families moving from welfare to work.

Chafee amendment No. 4933 (to amendment No. 4931), to maintain current eligibility standards for Medicaid and provide additional State flexibility.

Conrad amendment No. 4934, to eliminate the State food assistance block grant.

Santorum (for Gramm) amendment No. 4935, to deny welfare benefits to individuals convicted of illegal drug possession, use or distribution.

Graham amendment No. 4936, to modify the formula for determining a State family assistance grant to include the number of children in poverty residing in a State.

Helms amendment No. 4930, to strengthen food stamp work requirements.

Graham (for Simon) amendment No. 4938, to preserve eligibility of immigrants for programs of student assistance under the Public Health Service Act.

Shelby amendment No. 4939, to provide a refundable credit for adoption expenses and

to exclude from gross income employee and military adoption assistance benefits and withdrawals from IRA's for certain adoption expenses.

Ford amendment No. 4940, to allow States the option to provide non-cash assistance to children after the 5-year time limit, as provided in conference report number 104-430 to H.R. 4, (Family Self-Sufficiency Act).

Ashcroft amendment No. 4941, to set a time limit of 24 consecutive months for TANF assistance and allows States to sanction recipients if minors do not attend school.

Ashcroft amendment No. 4942 (to amendment No. 4941), to provide that a family may not receive TANF assistance for more than 24 consecutive months at a time unless an adult in the family is working or a State exempts an adult in the family from working for reasons of hardship.

Ashcroft amendment No. 4943 (to amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who fails to ensure that their minor dependent children attend school.

Ashcroft amendment No. 4944 (to amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who does not have, or is not working toward attaining a secondary school diploma or its recognized equivalent.

Dorgan amendment No. 4948, to strike provisions relating to the Indian child care set aside.

Ford (for Murray) amendment No. 4950, to strike section 1206, relating to the summer food service program for children.

Graham amendment No. 4952, to strike additional penalties for consecutive failure to satisfy minimum participation rates.

Exon (for Kennedy) amendment No. 4955, to permit assistance to be provided to needy or disabled legal immigrant children when sponsors cannot provide reimbursement.

Exon (for Kennedy) amendment No. 4956, to allow a 2-year implementation period under the Medicaid program for implementation of the attribution of sponsor's income and the 5-year ban.

Mr. EXON. Mr. President, I hope that the Chair at this time will advise the Senate of the procedures agreed to. As I understand the procedures, we will have a series of 24 or more rollcall

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



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votes. The first rollcall will be 15 minutes and then 10 minutes on all thereafter, is that correct?

The PRESIDING OFFICER. The Senator has stated that correctly.

The able Senator from South Carolina is recognized for 1 minute.

MOTION TO WAIVE THE BUDGET ACT—
AMENDMENT NO. 4905

Mr. FAIRCLOTH. Mr. President, this amendment's purpose is to send a simple, clear message, which is that the taxpayers' money should not be spent to increase the number of people on welfare.

Six years ago, Congress instructed the Social Security Administration to increase participation in the SSI Program. Since then, the cost has soared and the number of enrollees has more than tripled. Now it is time to send a message that this effort should stop. Nothing is more indicative of an out-of-control welfare system than this practice of using taxpayers' dollars to increase the number of people on welfare.

I urge my colleagues to vote to waive the point of order and pass this amendment.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we oppose the amendment offered by the Senator from North Carolina. What this amendment simply does is to say that people who are on SSI, or who might qualify under SSI, under the law, do not have the right to be informed about their options.

Certainly, we do not encourage soliciting people to join the SSI Program. But the Faircloth amendment goes further than that, in our opinion. Therefore, we think the basic right of information, the people's right to know, a legitimate service to answer proper inquiries should be kept in place. We think that the amendment offered by the Senator from South Carolina goes far beyond what his supposed intent is.

Therefore, we have raised a point of order and we hope the point of order will be sustained.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

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

The yeas and nays resulted—yeas 41, nays 57, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—41

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

NAYS—57

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lugar
Bennett	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihhan
Bond	Harkin	Murray
Boxer	Hatch	Nunn
Bradley	Hatfield	Pell
Breaux	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Jeffords	Robb
Campbell	Johnston	Rockefeller
Chafee	Kennedy	Sarbanes
Cohen	Kerrey	Simon
Conrad	Kerry	Snowe
Daschle	Kohl	Specter
Dodd	Lautenberg	Stevens
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden

NOT VOTING—2

Inouye

Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to and the amendment falls.

The Senator from Iowa.

Mr. WELLSTONE. Mr. President, will the Senator yield for 5 seconds?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield for just 30 seconds?

Mr. HARKIN. Yes.

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

The PRESIDING OFFICER. One minute over.

Mr. DOMENICI. According to the unanimous-consent agreement, we are on 10 minutes now for the amendments, and let me just name the next four, so Senators involved will know kind of where they are. Senator HARKIN is next on child nutrition, Senator D'AMATO on work requirements, Senator SIMON on education work exemptions, and then Senator FEINSTEIN on immigration.

I thank you for yielding. I thank the Chair.

Mr. WELLSTONE. Mr. President, will the Senator yield for a 10-second unanimous-consent request?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that Laureen Lazarovici, a fellow in my office, have the privilege of the floor during consideration of this vote.

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

Mr. WELLSTONE. I thank the Chair.

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

AMENDMENT NO. 4916

Mr. HARKIN. Mr. President, this amendment would simply continue a small program that provides assistance to help start and expand school breakfast and summer food programs for low-income kids. This is directly related to education. When these kids come in to school, they can have breakfast in the morning; they can receive meals in the summer when school is out—but only if there is a school breakfast or summer food program locally. That is why the start-up and expansion grants are so important.

Also, I want to say that this amendment does not prevent the nutrition portion of this bill from meeting the 6-year budget instruction. The Ag Committee's portion of the bill reduces spending by \$570 million more than its instruction. This program will spend only \$39 million for grants over 6 years, but it is a vitally important program.

This amendment is supported by the American School Food Service Association, the Food Research and Action Center, and the Children's Defense Fund. I ask you not to cut a program that gets kids into school and gets them learning. It is directly related to education, and we do not have to cut other programs to continue this one because the Ag Committee has more than enough money to pay for it.

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

The Senator from Indiana.

Mr. LUGAR. I rise in opposition to this amendment. It has been almost universally opposed, first of all. The issue the Senator from Iowa wishes to strike appears in President Clinton's most recent welfare reform proposal. Likewise, the reform which we try to bring about in this bill was in the minority leader's reconciliation bill. The reason is that four out of every five low-income children attend school with a breakfast program. The program has expanded very rapidly. It is not clear that expansion funds would have a marginal effect. The amendment that we are considering reduces savings by \$112 million. This means, if Senator HARKIN's amendment is adopted, we will have to find the savings probably in some other nutrition programs. I find that unacceptable.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COATS). Is there a sufficient second? There is a sufficient second on the motion to table.

The yeas and nays were ordered.

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

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—56

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

NAYS—43

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

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4916) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4927

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Senator D'AMATO, is recognized for 1 minute.

Mr. D'AMATO. Mr. President, this amendment will really strengthen the work requirements in this bill. It says very clearly if we want to change welfare as we know it, this is the way to do it, because it will require that those able-bodied recipients be required to report for a job. If there is no job in the private sector available, if they are not into job training, then community service. There are parks to be cleaned and roads to be repaired and there is work in hospitals.

It was no less than Franklin Delano Roosevelt who said it best. He said if people stay on welfare for prolonged periods of time, it administers a narcotic to their spirit. This dependence on welfare undermines their humanity, makes them wards of the State.

That is Franklin Delano Roosevelt. He cared about people, working people. He wanted to see to it that people had help when they truly needed it, but he understood welfare could become entrapping and a narcotic. Community service is something that will give pride to people who need assistance.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we have no one on this side who has sought time to speak against the amendment. Therefore, I yield our time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Nebraska. We need this amendment because the bill provides that even able-bodied people could not work for up to 2 years, and there is no reason that if a private sector job is not available and if someone is not in job training or in school that an able-bodied person should not be offered and should not be required to accept a community service position.

So this is a very needed amendment. It is the same amendment which I offered along with Senator Dole last September, and I hope it gets not only a strong vote in the Senate, but I hope that this time it is retained in conference and is not dropped in conference the way it was last time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4927 by the Senator from New York and the Senator from Michigan. 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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—99

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Ashcroft	Frahm	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Hefflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	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

NOT VOTING—1

Kassebaum

The amendment (No. 4927) was agreed to.

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

Mr. DOMENICI. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4928, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 1 minute.

Mr. SIMON. Mr. President, I ask unanimous consent to modify my amendment. It is a purely technical modification.

Mr. DOMENICI. We have no objection.

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

The amendment (No. 4928), as modified, is as follows:

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

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

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

"(6) TEEN HEAD OF HOUSEHOLD WHO MAINTAINS SATISFACTORY SCHOOL ATTENDANCE DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient who is a single head of household and has not attained 20 years of age is deemed to be engaged in work for a month in a fiscal year if the recipient—
 "(A) maintains satisfactory attendance at secondary school or the equivalent during the month; or
 "(B) participates in education directly related to employment for at least the minimum average number of hours per week specified in the table set forth in paragraph (1).

"(d) WORK ACTIVITIES DEFINED.—As used in this section, the term 'work activities' means—
 "(1) unsubsidized employment;
 "(2) subsidized private sector employment;
 "(3) subsidized public sector employment;
 "(4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 "(5) on-the-job training;
 "(6) job search and job readiness assistance;
 "(7) community service programs;
 "(8) educational training (not to exceed 24 months with respect to any individual);".

Mr. SIMON. Mr. President, I believe this may be adopted by voice vote. It is cosponsored by Senators MURRAY, SPECTER, JEFFORDS, and BOB KERREY. The bill without this amendment says States can get credit above the age of 50 only for vocational education. The reality is for many people learning how to read and write, getting that high school equivalency is at least equally important. This permits that possibility.

I know of no objection to the amendment. I hope it can be adopted by voice vote.

The PRESIDING OFFICER. Is there further debate?

Mr. EXON. There is no objection on this side.

Mr. DOMENICI. Mr. President, we agree to accept the amendment.

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

The amendment (No. 4928), as modified, was agreed to.

Mr. SIMON. I move to reconsider the vote.

Mr. EXON. I move to table the motion.

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—
AMENDMENT NO. 4929

Mr. DOMENICI. Mr. President, the next amendment is the Feinstein amendment. The Senator from Pennsylvania, Senator SANTORUM, will be responding on our side. It is an important amendment.

The PRESIDING OFFICER. The Senator from California is recognized to speak.

Mrs. FEINSTEIN. Mr. President, this bill as drafted would remove from SSI, from AFDC, and from Medicaid, everyone legally in this country that happens to be a newcomer. It is retroactive in that respect.

The amendment that Senator BOXER and I put forward would make this prospective. Every newcomer coming into the country after September 1 would not be able to count on any welfare benefits until they became a citizen, which generally takes about 5 years.

This is a huge item. In my State alone, it would affect more than 1 million people. Thousands of them are refugees. They have no sponsors. They are aged, they are blind, they are disabled, they are children. This would immediately throw them off of whatever assistance they have, with no other recourse. Los Angeles County alone estimates the cost is \$500 million.

The PRESIDING OFFICER. The 1 minute has expired.

Mrs. FEINSTEIN. I thank the Chair.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, first off, this amendment would cost about a quarter of the savings in the bill. It is about a \$15 billion additional cost added to this bill. But on substantive ground, this is similar to the vote we took last week on the Graham amendment. What this underlying bill did, what the Democratic substitute did, what the bill that passed here in the Senate last time did was say that sponsors have to live up to their contractual obligations. They signed a document saying they would provide for people that come to this country. People come to this country and sign a document saying they would not become wards of the State. What is happening is that millions of people are coming to this country, bringing moms

and dads over. They are coming into this country and going down to the SSI office and qualifying for SSI benefits and you and the taxpayers of this country are picking up and being the retirement home for the rest of the world. That is not what this program should be about. What we do is take care of refugees. If they come, they have a 5-year period where they qualify for all of the benefits. That is more than fair. Sponsors should pay what they say they are going to pay.

Mr. DOMENICI. Mr. President, I ask for 5 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. This is a waiver of the Budget Act. You are waiving 15 billion dollars' worth of savings. I do not believe you ought to waive the Budget Act for \$15 billion.

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 bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 52, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—46

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

NAYS—52

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

NOT VOTING—2

Inouye Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 46, and the nays are 52. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected and the amendment falls.

AMENDMENT NO. 4933 TO AMENDMENT NO. 4931

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 1 minute.

Mr. CHAFEE. Mr. President, this legislation is welfare reform. We dropped out the changes in Medicaid, and we are told that this is not a Medicaid bill. Yet, this bill permits the States not only to drop eligibility levels for cash assistance—AFDC—but also for Medicaid. The States can throw a woman and small children off cash assistance and at the same time take away their Medicaid, their only chance for any medical services.

My amendment says, go ahead, if you wish, reduce eligibility levels for welfare, but Medicaid eligibility levels should remain as they are today.

Furthermore, what constitutes income in calculating Medicaid eligibility remains as it is now. In other words, if my amendment is not adopted, States will be able to count school lunches and even disaster relief toward what makes a person eligible for Medicaid.

I yield the remainder of my time to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I just say to our colleagues that if you want to continue mothers and children further to be eligible for Medicaid, you have to support this amendment. By opposing this amendment, you are saying to mothers and children in the future that you are going to be taken off, or could be taken off, Medicaid and health benefits without any further insurance. I think that is wrong.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. CHAFEE. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

Mr. ROTH. Mr. President, I point out that what we have before us is the Chafee perfecting amendment. This perfecting amendment only makes a technical change in the basic Chafee amendment. I have no objection to that technical amendment. In fact, I would have been willing to accept the perfecting amendment on a voice vote. But, since he has gotten the yeas and nays, I urge everybody to vote aye on the technical change.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—97

Abraham	Frahm	McCain
Akaka	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Pell
Bryan	Hatfield	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	Kempthorne	Simon
Coverdell	Kennedy	Simpson
Craig	Kerry	Smith
D'Amato	Kerrey	Snowe
Daschle	Kohl	Specter
DeWine	Kyl	Stevens
Dodd	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone
Feingold	Lugar	Wyden
Feinstein	Mack	
Ford		

NAYS—2

Ashcroft Brown

NOT VOTING—1

Kassebaum

The amendment (No. 4933) was agreed to.

AMENDMENT NO. 4932 TO AMENDMENT NO. 4931

The PRESIDING OFFICER. The question now occurs on the Roth amendment No. 4932, with 2 minutes being equally divided. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. Mr. President, the purpose of my amendment is to ensure continued Medicaid coverage to all individuals currently receiving Medicaid benefits because of their eligibility through the current AFDC benefits. This will ensure that no child or adult currently receiving Medicaid benefits would lose coverage because of welfare reform.

My amendment also provides for 1 year of transitional Medicaid benefits. This guarantees that families leaving welfare will continue to receive Medicaid coverage for a full year to help in the critical transition from welfare to work. The problem with the Chafee-Breaux amendment is that it would force the States to maintain current eligibility standards indefinitely into the future. That means that someone, 5 or 10 years from now, may not qualify under a State's new welfare program but nevertheless would claim eligibility under the old program. This creates serious issues of equity.

The Governors are deeply concerned about the Chafee-Breaux approach, as it would be burdensome to administer.

I urge the adoption of the Roth amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, we should oppose the Roth amendment because it negates the Chafee-Breaux amendment that was just agreed to. I yield the remainder of the time to Senator Chafee.

Mr. CHAFEE. Mr. President, if you voted yes on the Chafee amendment we just agreed to, then you should vote no on the Roth amendment. The Roth amendment allows States to drastically reduce Medicaid coverage for all groups of women and children. If the Roth amendment prevails and we strike the protections that we just adopted in my amendment, the Roth amendment grandfathered only those AFDC-eligible individuals who are enrolled in Medicaid at the time of enactment. There are no protections for those who meet the same standards after the enactment.

Second, it strikes the provisions in my amendment that reinstate the standard for calculating income. Thus, a pregnant woman or 6-year-old child with a family income below the current poverty standards will not qualify for Medicaid coverage if the State adopts a more restrictive income test, such as school lunches or food stamps.

Finally, I would say the United States has the highest percentage of children in poverty of any industrial nation in the world. I certainly hope we will not make it worse by denying these children their Medicaid coverage.

The PRESIDING OFFICER. All time has expired. The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the 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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 31, nays 68, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—31

Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Brown	Gregg	Roth
Burns	Hatch	Santorum
Coverdell	Helms	Shelby
Craig	Hutchison	Smith
Domenici	Inhofe	Stevens
Faircloth	Kempthorne	Thomas
Frahm	Lott	Thurmond
Gorton	Mack	
Gramm	McConnell	

NAYS—68

Abraham	Baucus	Bingaman
Akaka	Biden	Bond

Boxer	Frist	Mikulski
Bradley	Glenn	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hatfield	Nunn
Byrd	Heflin	Pell
Campbell	Hollings	Pressler
Chafee	Inouye	Pryor
Coats	Jeffords	Reid
Cochran	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Simon
Daschle	Kohl	Simpson
DeWine	Kyl	Snowe
Dodd	Lautenberg	Specter
Dorgan	Leahy	Thompson
Exon	Levin	Warner
Feingold	Lieberman	Wellstone
Feinstein	Lugar	Wyden
Ford	McCain	

NOT VOTING—1

Kassebaum

The amendment (No. 4932) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4931, AS AMENDED

The PRESIDING OFFICER. The question now is on agreeing to Chafee amendment No. 4931, as amended.

The amendment (No. 4931), as amended, was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4934

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the Conrad amendment No. 4934.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. CONRAD] is recognized.

Mr. LEAHY. Mr. President, point of order. The Senate is not in order. This is an important amendment. Senator CONRAD should be heard.

The PRESIDING OFFICER. There will be order.

The Senator from North Dakota.

Mr. LEAHY. Mr. President, I make a point of order again, the Senate is still not in order.

The PRESIDING OFFICER. Senators having conversations will take their conversations to the Cloakroom.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. Mr. President, this is a bipartisan amendment about feeding hungry people. This has always been a bipartisan priority in this Chamber. The father of the Food Assistance Program is Senator Dole, the former Republican leader, and former Senator George McGovern.

Our amendment, a bipartisan amendment, preserves the most important

feature of our Food Assistance Program. It maintains the automatic adjustment in funding to respond to economic downturns or natural disasters. A pure block grant would leave States with a fixed amount of money no matter what happens.

If we look at the example of Florida, we see very clearly what can happen. They had a flat demand for food assistance. Then we had a national recession, and demand for food assistance increased dramatically. Then there was a natural disaster, Hurricane Andrew, and the demand for food assistance exploded. Under the pure block grant, that State would have had no ability to respond to the demand for food assistance.

No block grant could have responded to this increase in need. The block grant would destroy the Food Stamp Program.

Mr. President, America is better than that. This Senate is better than that. I hope my colleagues will support the amendment.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM], is recognized for 1 minute.

Mr. SANTORUM. Mr. President, we oppose this amendment for a couple of reasons. First, the Conrad amendment requires a \$1 billion cut in food stamps. This is a \$1 billion reduction in food stamps to pay for this provision.

Second, we set very high standards for States to qualify to get into these block grants. They have to have a low error rate of 6 percent. There are only seven States that can qualify with that error rate.

Third, they have to have electronic benefits. Only four States qualify.

The Senator from North Dakota would lead Members to believe all these Governors and State legislatures do not know what they are getting into by opting for a block grant, that they do not see economic recessions and disasters. In fact, they understand the risks they are taking when they offer a block grant.

We want to give them the option to do it, but set a very high standard for them to get in the first place. They have to have a good program to get in. They have an option, if things are bad, to get out—it is a one-time option—but an option to get out if things get bad. There are adequate safeguards, and if there are problems, people are able to use a one-time option to get out.

The PRESIDING OFFICER. All time has expired.

The rollcall vote has not been called for.

Mr. SANTORUM. 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 clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. THOMAS] is

necessarily absent. I also announce the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Kassebaum Thomas

The amendment (No. 4934) was agreed to.

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

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

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—
AMENDMENT NO. 4935

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to waive the Budget Act for the consideration of amendment No. 4935 offered by the Senator from Pennsylvania on behalf of the Senator from Texas [Mr. GRAMM].

The yeas and nays have been ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I believe my amendment is the pending amendment. I think the regular order is for 1 minute of debate on each side. I had hoped this amendment might be accepted by a voice vote. But I will go ahead and take my minute now.

What my amendment does is denies means-tested benefits to people who are convicted of possessing, using, or selling drugs.

In minor cases, they lose welfare for 5 years. In major cases, they lose it for life. What an individual does does not affect the eligibility of that individual's children or other family mem-

bers. We have an exemption in the bill for emergency medical services, emergency disaster relief, and assistance necessary to protect public health from communicable diseases.

None of these provisions applies until date of enactment. These provisions will apply only on convictions after that date. But the bottom line is, if we are serious about our drug laws, we ought not to give people welfare benefits who are violating the Nation's drug laws. I hope my colleagues will adopt this provision and do so with a resounding vote.

Mr. EXON. Mr. President, while I appreciate the thrust of the amendment offered by the Senator from Texas, we strongly oppose it.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I can have the attention of the Senate for a moment. This amendment says that anyone convicted of drug possession, distribution, or use may not obtain any Federal means-tested public benefit. It includes even misdemeanor convictions.

The Conference of Mayors and the National League of Cities are strongly opposed to the amendment. This is what they say:

It would undermine the whole notion of providing drug treatment as an alternative sentence to a first-time drug offender if the individual requires Federal assistance to obtain the treatment.

This would make drug addicts ineligible for any of the effective drug treatment programs that are being developed by the States and the Federal Government. It would eliminate any prenatal care for mothers that get convicted of drug crimes. We have seen those programs developed in community health centers all across this country; they try to get those mothers back to work and reunited with their families. Those programs will be off limits to the people who need them most.

Under this amendment, if you are a murderer, a rapist, or a robber, you can get Federal funds; but if you are convicted even for possession of marijuana, you cannot. It is overly broad and is strongly opposed by the mayors and the National League of Cities. I hope the Senator will not get the 60 votes.

Mr. MACK. Mr. President, I rise today in opposition to amendment No. 4935 offered by Senator GRAMM. This amendment would deny Federal means-tested benefits to individuals convicted of illegal drug possession, use, or distribution. Personally, I agree with the idea of not giving Government benefits to drug dealers, however, I do not think the Federal Government should continue to tell the States how to run their welfare programs.

There are provisions in the bill to ensure that criminals are not milking the system. We keep saying that we want the States to decide what is best for their States. I believe we have already

put enough mandates on the block grants, and the denial of benefits in the Gramm amendment would just increase mandates. Let the States make those decisions.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—74

Abraham	Exon	Lugar
Ashcroft	Faircloth	McCain
Baucus	Feinstein	McConnell
Biden	Ford	Mikulski
Bond	Frahm	Murkowski
Boxer	Frist	Nickles
Breaux	Gorton	Nunn
Brown	Graham	Pressler
Bryan	Gramm	Pryor
Bumpers	Grams	Reid
Burns	Grassley	Rockefeller
Byrd	Gregg	Roth
Campbell	Harkin	Santorum
Coats	Heflin	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Conrad	Inhofe	Snowe
Coverdell	Johnston	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kerry	Thompson
Daschle	Kyl	Thurmond
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lott	

NAYS—25

Akaka	Hollings	Moynihan
Bennett	Inouye	Murray
Bingaman	Jeffords	Pell
Bradley	Kennedy	Robb
Chafee	Kerrey	Sarbanes
Feingold	Kohl	Simon
Glenn	Lautenberg	Specter
Hatch	Mack	
Hatfield	Moseley-Braun	

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 74, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DOMENICI. Mr. President, I think it would be in order to ask unanimous consent, if Senator GRAMM will agree, to vitiate the yeas and nays and adopt the amendment by voice vote.

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

The question now occurs on agreeing to amendment No. 4935.

The amendment (No. 4935) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment

No. 4936, known as the Graham-Bumpers amendment, be temporarily set aside and that it be the pending business when the Democrats and Republicans return after their lunch break.

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

Mr. DOMENICI. I thank the sponsor of the amendment.

I yield the floor.

AMENDMENT NO. 4930

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 4930 offered by the Senator from North Carolina [Mr. HELMS], by the yeas and nays, to be preceded by 2 minutes of time divided in equal manner.

Mr. HELMS. Mr. President, I hope the time will not begin running on me until we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. I thank the Chair.

Mr. President, on Friday afternoon, I got wind of a little effort to try to block Senators having to take a public stand—

Mr. LEAHY. Mr. President, the Senate is not order. Could we please have order.

The PRESIDING OFFICER. Senators will take their conversations to the Cloakroom.

The Senator from North Carolina.

Mr. HELMS. I believe I will wait until we have order.

This time I thank the Chair.

In order to protect myself against a little legerdemain here between Friday afternoon and the final unanimous consent, I moved to table my own amendment and asked for the yeas and nays. I did that because I want Senators to take a stand on this amendment which requires able-bodied food stamp recipients to go to work for at least 20 hours a week if they expect to continue to receive food stamps free of charge at the expense, of course, of taxpayers who have to work 40 hours a week or more to support their families.

The Congressional Budget Office says that this amendment will cause a lot of people to flake off the food stamp rolls because they do not want to work and they will go to work otherwise. It will save the taxpayers \$2.8 billion over the next 6 years.

I repeat, this amendment requires able-bodied food stamp recipients to go to work for at least 20 hours a week if they expect to continue to receive food stamps free of charge.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the description sounds good but for the same reason that the Senate last year by a vote of 66 to 32 voted down a similar amendment, we ought to do it again.

What it does, it denies food stamps to unemployed workers when they are looking for work. You have a recession, you have a disaster such as a hurri-

cane, or somebody has just been laid off from the factory that they worked in for 10 years, as they are looking for a new job, they cannot get food stamps. That is a time that they need it the most. We could actually have such a situation as we had in the earthquakes in California. People's businesses were destroyed, their homes were destroyed, somebody has been working for 10 or 15 years, and they would be told: Sorry, you are not working 20 hours a week; you do not get food stamps.

We defeated this by a 2-to-1 margin in the Senate, Republicans and Democrats, last year. We should do it again this year. If Senator HELMS' motion is to table his own amendment, this is one time I agree with him—we ought to do just that.

The PRESIDING OFFICER. All time has expired. The question occurs on agreeing to the motion to table amendment 4930. 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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—56

Akaka	Dorgan	Leahy
Baucus	Exon	Levin
Bennett	Feingold	Lieberman
Biden	Feinstein	Lugar
Bingaman	Ford	Mack
Bond	Glenn	Mikulski
Boxer	Gorton	Moseley-Braun
Bradley	Harkin	Moynihan
Breaux	Hatfield	Murray
Bumpers	Heflin	Nunn
Byrd	Hollings	Pell
Chafee	Inouye	Pryor
Cochran	Jeffords	Robb
Cohen	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
DeWine	Kerry	Snowe
Dodd	Kohl	Wellstone
Domenici	Lautenberg	

NAYS—43

Abraham	Grams	Reid
Ashcroft	Grassley	Roth
Brown	Gregg	Santorum
Bryan	Hatch	Shelby
Burns	Helms	Simpson
Campbell	Hutchison	Smith
Coats	Inhofe	Specter
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
Faircloth	McCain	Thurmond
Frahm	McConnell	Warner
Frist	Murkowski	Wyden
Graham	Nickles	
Gramm	Pressler	

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4930) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4938

The PRESIDING OFFICER. The question now, under the previous order, occurs on amendment No. 4938 offered by the Senator from Florida on behalf of the Senator from Illinois [Mr. SIMON]. Under the previous order, there are 2 minutes to be divided equally between sides.

The Senator from Illinois [Mr. SIMON], is recognized.

Mr. SIMON. Mr. President, if I may have the attention of my colleagues.

Mr. DOMENICI. Mr. President we have agreed to accept the amendment.

Mr. SIMON. Mr. President, this amendment simply adds the Public Health Service Act in terms of the exemption, so not only people who plan to become lawyers and engineers, but people who become nurses and physicians can be exempt. It is acceptable, as far as I know, by everyone. I am willing to take a voice vote.

The PRESIDING OFFICER. Does anyone wish to speak in opposition? If not, the question is on agreeing to amendment No. 4938 offered by the Senator from Florida on behalf of the Senator from Illinois, [Mr. SIMON].

The amendment (No. 4938) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—
AMENDMENT NO. 4939

The PRESIDING OFFICER. The question now occurs on Shelby amendment No. 4939. There will be 2 minutes equally divided between sides.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, first of all, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor.

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

Mr. SHELBY. Mr. President, this is the same amendment which was adopted by the Senate on a vote of 93 to 5 on the welfare reform bill last year. It provides a \$5,000 tax break for adoption expenses, and it will allow thousands of children to find a home in America.

The amendment is offset with savings in the underlying bill. There is no guarantee that the adoption legislation reported by the Finance Committee will be considered at all this year. This may be our last chance to pass this legislation which has overwhelming bipartisan support.

Again, Mr. President, 93 Senators in this Chamber voted for this exact amendment last fall under almost identical circumstances. If we do not adopt this adoption tax credit now, we might lose our chance this year. I ask we waive the Budget Act and adopt this amendment.

Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor.

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

Mr. DOMENICI. Senator ROTH speaks in opposition.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I, like Mr. SHELBY, strongly support the use of tax incentives to promote adoption, and that is why the Finance Committee unanimously reported out of committee an adoption tax credit bill.

The distinguished majority leader has assured me that he will schedule action on the Finance Committee bill before the end of this year. Unlike the Finance Committee-passed adoption tax credit bill, Mr. SHELBY's adoption tax credit is refundable, provides no extra credit for special needs adoption, and is not paid for. I remind my colleagues that we have had tremendous problems with fraud with refundable credits. Take, for example, the earned income credit.

Furthermore, if Mr. SHELBY's amendment is adopted, we will be required to find an additional \$1.5 billion over 6 years in savings from the welfare legislation.

In addition to these issues, Mr. SHELBY's amendment is not germane to the welfare bill. I believe we need incentives to promote adoption, however, now is not the time to consider such legislation. I urge my colleagues to vote against Mr. SHELBY's motion to waive the Budget Act.

I yield the remainder of my time.

Mr. MOYNIHAN. Mr. President, I concur with our chairman. The Committee on Finance reported H.R. 3286, the Adoption Promotion and Stability Act of 1996, unanimously on June 12, 1996. It is on the calendar, and the majority leader has promised prompt action on it.

As the chairman has indicated, the Finance Committee bill provides an additional credit for special needs children. This was a subject of bipartisan concern during the Finance Committee's consideration of the bill. The pending amendment fails to take special needs cases into account, and in any event the amendment is not germane to the reconciliation legislation before us.

I join Chairman ROTH in raising a point of order that the amendment of the Senator from Alabama is not germane.

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the motion to waive the Budget Act for consideration of amendment No. 4939 offered by the Senator from Alabama, [Mr. SHELBY]. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may make an announcement. It will take me 7 seconds.

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

Mr. DOMENICI. Mr. President, this is the last vote before lunch. We will return at 2 o'clock. At 2 o'clock, the

pending business will be the Graham-Bumpers formula change amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The yeas and nays were ordered on the Shelby amendment No. 4939.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act on the amendment No. 4939.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 78, nays 21, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—78

Abraham	Glenn	Mack
Akaka	Gorton	McCain
Ashcroft	Gramm	McConnell
Baucus	Grams	Mikulski
Bennett	Grassley	Murkowski
Biden	Harkin	Murray
Bingaman	Hatch	Nunn
Bond	Hatfield	Pell
Boxer	Heflin	Pressler
Bradley	Helms	Reid
Burns	Hollings	Robb
Campbell	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Jeffords	Shelby
Cohen	Kempthorne	Simon
Coverdell	Kennedy	Simpson
Craig	Kerrey	Smith
D'Amato	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dorgan	Lautenberg	Thomas
Exon	Leahy	Thompson
Faircloth	Levin	Thurmond
Ford	Lieberman	Warner
Frahm	Lott	Wellstone
Frist	Lugar	Wyden

NAYS—21

Breaux	Daschle	Johnston
Brown	Domenici	Moseley-Braun
Bryan	Feingold	Moynihan
Bumpers	Feinstein	Nickles
Byrd	Graham	Pryor
Chafee	Gregg	Rockefeller
Conrad	Inouye	Roth

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 78 and the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, in light of that vote, I wonder if we ought to vitiate the yeas and nays and adopt the amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

The question is on agreeing to Amendment No. 4939.

The amendment (No. 4939) was agreed to.

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

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

The motion to lay on the table was agreed to.

MANDATORY APPROPRIATION FOR THE SOCIAL SECURITY ADMINISTRATION

Mr. DOMENICI. Mr. President, section 221(e)(5) of this bill provides a \$300 million mandatory appropriation to the Social Security Administration.

The bill requires SSA to review the eligibility of hundreds of thousands of beneficiaries who may no longer be eligible for supplemental security income [SSI] benefits.

This mandatory appropriation is important because it is intended to give SSA the resources it needs to do this job right.

But I am concerned about the precedent of creating new entitlement spending for Federal agencies, and I understand that the House has dropped this provision from its bill because of this concern.

Last year, in the Social Security earnings test bill, we created a special process to allow the Appropriations Committee to provide additional funding for SSA to conduct continuing disability reviews—or CDR's—without forcing cuts in other discretionary spending.

For the years 1996 through 2002, this process will accommodate an additional \$2.7 billion for CFR's, and all signs indicate that it is working.

Although I do not plan to strike this mandatory appropriation here on the floor, I hope that, in conference, instead of creating a new entitlement for SSA, we can build upon the CDR funding process—and give the Appropriations Committee an additional allowance to fund the work SSA must do under this bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. this afternoon.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SMITH).

AMENDMENT NO. 4936

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 4936 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. However, the vote will be preceded by 2 minutes of debate evenly divided in the usual manner.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this amendment speaks to fundamental fairness by providing that a poor child will be treated the same by their Federal Government wherever they happen to live and that each State will receive the same amount of money based on the number of poor children within

that State. That is not only fairness; it also, in my opinion, is fundamentally required if this bill is to achieve its objective of providing States a reasonable amount of resources in which to provide for the transition from welfare to work.

I yield the remainder of my time to my colleague, Senator BUMPERS.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Florida is actually the architect of this amendment, and he has done an outstanding job. Thirty-eight States are going to be penalized under this bill because what we are using is the 1991 and 1994 figures. If your State made a monumental effort during those years, you may be rewarded under this bill. If you did not because you could not, you would be punished for the next 6 years. West Virginia has a \$13.34 per case administrative cost, New York has \$106. So because West Virginia has been provident, they are going to get punished. Because New York has been improvident, they get rewarded. That is not equitable.

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am going to ask our Members to come together and do what is right for America and welfare reform. Right now we have a fair funding formula. A non-growth State never loses from its 1994 base or its 1995 base, whichever base it chooses. The growth States are able to grow because that is essential, and we know it is fair. There are no losers in the underlying bill. The Graham-Bumpers amendment creates winners and losers. It says to California, Michigan, Minnesota, and New York, "You are going to have to go below and actually cut the welfare in your State below the 1994 and 1995 limits." Mr. President, that is wrong. We came together and we made a very, very fair proposal, and it was accepted because there are no losers.

Now, Mr. President, we must keep that fairness. If we really want welfare reform, we must have fairness for all States. That is what the underlying bill is.

Please vote against the Graham-Bumpers amendment.

Mr. MCCAIN. Mr. President, the Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act of 1996 (S. 1956) replaces the current AFDC Program with a new temporary assistance for needy families [TANF] block grant. The TANF block grant will distribute Federal funds to the States according to a formula which is based on recent Federal expenditures under the programs which are to be consolidated into the TANF, with supplemental funds based on population growth and low Federal expenditures per poor person in the States. By emphasizing historical funding for welfare benefits, this formula

recognizes that the cost of living differs from State to State, and that certain States have historically supported generous welfare benefits through the expenditure of their own funds.

My colleagues, Senators GRAHAM and BUMPERS, have offered an amendment to S. 1956 which would significantly change the formula for the TANF block grants. Because the Graham-Bumpers formula would dramatically decrease TANF allotments in certain States and would arbitrarily and unfairly force the elimination or reduction of existing welfare benefits, I am unable to support this amendment. This vote does, however, raise the important issue of the disparities in TANF block grant allotments which the formula will create. While I recognize that differences in the cost of living and other factors necessitate some disparity in allotments, I encourage the conference committee to explore appropriate alternatives which address these disparities, further assisting States which have low Federal expenditures per poor person under the formula and which experience population growth.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4936 offered by the Senator from Florida [Mr. GRAHAM]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota [Mr. GRAMS] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Illinois [Ms. MOSELEY-BRAUN] is necessarily absent.

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

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—37

Akaka	Faircloth	Mack
Baucus	Ford	McConnell
Biden	Frahm	Nunn
Bingaman	Graham	Pell
Breaux	Heflin	Pressler
Bryan	Helms	Pryor
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Coats	Jeffords	Rockefeller
Conrad	Johnston	Simon
Daschle	Kerrey	Warner
Dorgan	Leahy	
Exon	Lugar	

NAYS—60

Abraham	DeWine	Inhofe
Ashcroft	Dodd	Kempthorne
Bennett	Domenici	Kennedy
Bond	Feingold	Kerry
Boxer	Feinstein	Kohl
Bradley	Frist	Kyl
Brown	Glenn	Lautenberg
Burns	Gorton	Levin
Campbell	Gramm	Lieberman
Chafee	Grassley	Lott
Cochran	Gregg	McCain
Cohen	Harkin	Mikulski
Coverdell	Hatch	Moynihan
Craig	Hatfield	Murkowski
D'Amato	Hutchison	Murray