

Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. DOOLEY).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. DOOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. BACA. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BACA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2646, an Act to provide for continuation of agricultural programs through fiscal year 2011, be instructed to agree to provisions contained in section 452 of the Senate amendment, relating to restoration of benefits to children, legal immigrants who work, refugees, and the disabled.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) is recognized for 30 minutes.

#### GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on my motion to instruct on H.R. 2646.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking the Congressional Hispanic caucus, the gentleman from Texas (Mr. STENHOLM), the gentlewoman from North Carolina (Mrs. CLAYTON) and a bipartisan group of colleagues for working so hard within the conference committee to restore food stamp benefits to working, taxpaying legal residents, and I state, to taxpaying legal residents.

We all agree that the time has come for Congress to ensure that all legal residents are eligible for food stamps. America provides aid to hungry people all over the world, yet we do not take care of everyone who needs it right here at home.

Children of legal immigrants to our Nation are starving. It is as simple as that. With the passage of welfare reform in 1996, almost all legal immigrants lost food stamp eligibility. In 1998, Congress realized it had gone too far. But it only restored food stamps to

benefit kids and elderly who arrived in our country before 1996. Thousands of immigrants who arrived here in the last 5 years will never receive any help from us for their nutritional needs.

The current law does nothing to help them feed their children, many of whom are United States citizens. Let me say that again, many who are United States citizens. Kids who are United States citizens are starving under the current law. This must stop. It can stop with us.

This motion instructs the 2002 Farm Security Act conference to restore much-needed food stamp benefit to legal, permanent residents. I state, to legal, permanent residents. It would allow legal residents who have been in the United States for 5 years to apply for food stamps if they are low income. This is what the President has proposed. I state, this is what the President has proposed.

It would allow children to be eligible for food stamps, regardless of when they entered the United States. This provision is also contained in the farm bill that the Senate brought to the conference committee. It would reduce the current requirement that an immigrant accrue 10 years of working history to qualify for food stamps to 4 years of work to qualify.

Why should all of us support this motion? Because it makes sense, both fiscally and morally, and because strong bipartisan support already exists for restoring food stamps to legal immigrants.

Support for restoring benefits crosses ideological and partisan lines. President Bush's 2002 budget includes a proposal to restore food stamps to legal immigrants, and I state, to legal immigrants, who have lived in the United States for 5 years. Newt Gingrich even stated that the restrictions on legal immigrants' eligibility for food stamps were one of the provisions in the welfare law that went too far; that went too far. Members from both sides of this aisle in both Chambers support restoration.

Also the children's restoration is very inexpensive. It is already built into the \$6.4 billion allotment for the nutrition title. The cost is \$200 million. That is a small price when compared to the entire \$150 billion farm bill.

Restoration of the food stamps to immigrants with significant work history costs nothing. CBO scored the enhancement at zero. It will simplify the process and help people at no cost to the taxpayers, at no cost to the taxpayers.

Immigrant children need food stamps. Children, more than any other group, need access to healthy diets. I state, children, more than any other group, need access to healthy diet.

Research indicates that children who do not receive adequate nutrition have poor health development. We talk about imposing performance standards on kids in school, but how can kids perform when they go to school with an empty stomach? It is very difficult to perform if you have an empty stomach.

Section 452 of the Senate farm bill and the alternative of the gentleman from Virginia (Mr. GOODLATTE) include this provision for children.

Immigrant children are twice as likely to live in homes where parents pay more than 50 percent of their income in rent. We will make sure that poor kids receive the nutrition they need to one day lift themselves out of poverty, and I state, to lift themselves out of poverty.

Restoring benefits to immigrant children will help with this effort to reach citizen children. Over 85 percent of immigrant families have mixed status, households that include at least one citizen child. Confusion about eligibility and fear about their immigrant status has caused these hard working parents to stay away from the program, even when these kids are eligible, and yet it affects their daily lives as they are going to school.

Our current anti-immigrant food stamp program causes that fear. These are American citizens, American children we are talking about, yet they do not have access at the same time that kids who are born citizens. According to USDA from 1994 to 1998, 1 million citizens of immigrant parents left the food stamp program, representing a 74 percent decline for this group. It is time that we helped these American children.

Working immigrants need food stamps. Low-wage working immigrants should be granted access to food stamp as work support. Legal immigrants are just as likely as natives to work, but they are two times as likely to be poor. Forty-three percent work in jobs paying less than \$7.50 an hour, and wages have risen more slowly for immigrants than natives over the last decade.

This motion builds on principles already established under the current law. Currently legal immigrants, individuals or couples that can show a combined work history of 10 years, are exempt from food stamp restrictions on legal immigrants. The notion behind this exemption was that no family with a demonstrated work history should be prohibited access to critical work support.

The Senate bill builds upon the principles of fairness, and so should we. I state, the Senate bill builds upon the principles of fairness, and so should we. It would allow low-income individuals or married couples that can demonstrate, and I state, that can demonstrate, a combined workforce history of 4 years, to begin food stamp eligibility. Four years of work is measured by earning 16 quarters of earnings under the Social Security system.

It is time that all hard-working, tax paying, and I state, hard-working, tax paying residents of this country, are eligible for the same benefits in times of difficulty. Many of our veterans who served are legal permanent residents. This would allow them also to be eligible as well. When tax day rolls around,

it just is not for us to ask people, are you a citizen or not?

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We should not. When deciding whether to help and feed our children, we should apply the same law, not just when we need it for taxes, but at the same time, when applying the law to feed our children.

We need the President to pick up the phone and say, get it done. We need his leadership now. This is about fairness; this is about our children.

Mr. Speaker, I retain the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition, and I yield myself such time as I may consume.

As the chairman of the Subcommittee on Department Operations Oversight, Nutrition, and Forestry of the House Committee on Agriculture, I have been charged with the responsibility for attempting to work out this very difficult issue, and I commend the gentleman for his interest in the issue and for his efforts on behalf of people who are in need. However, I must strongly oppose the motion to accept the Senate language here, because to do so would be irresponsible.

The fact of the matter is that while there are certainly people here who are in need of assistance, it is definitely not the case that everybody that the Senate language would cover would fit into that category, and it is also not the case that the people that would be covered are as described by the gentleman.

For example, he refers to tax-paying legal residents. Well, it is not a requirement under the Senate language that the individual have ever paid a penny in taxes in order to receive these benefits. It only requires that they have been in this country as a lawful, permanent resident for 5 years. The fact of the matter is that some people who have been here for 5 years and may have been taxpaying, contributing members of our society and who, as a result of some misfortune, have fallen on hard times and need to receive food stamps, a good case could be made, as has been made by the President of the United States, that some individuals who have been here 5 years should receive them.

But the problem with the Senate language is that it has no definition of that. It does not say you have to have been a taxpayer; it does not say that you had to have been employed for a certain period of time.

Many people are not aware, but the fact of the matter is that a number of noncitizens receive food stamps right now. Children, the disabled, refugees, permanent residents who have been in the United States for more than 10 years and have 40 quarters of work history are just some of the categories for which people can receive these benefits right now.

The President has said that he would like to see that expanded. However, in making that expansion, we have to do it responsibly. We cannot just open the door and not say that there is no standard to be met, no criteria, such as having been a taxpayer, having had a work history, particularly for people who are able-bodied and are between the ages of 18 and 60, for example. Or we need to look at how long this should be allowed to be provided, because, for example, somebody who has been a lawful, permanent resident of the United States after they have been here for 5 years in that status are eligible to apply for United States citizenship; and when they do so, they then can receive the same benefits as any other American citizen.

There is a problem with that, however. The Immigration Service does not work very well. Sometimes it takes a long time for an individual who has qualified, met this 5-year criteria, that everybody has specified, the Republican conferees, the Democratic conferees, the President, have all talked about 5 years of lawful residence. But once you get to that point and you wanted to apply for citizenship to be treated exactly the same as any other American citizen, you cannot always get that done quickly. So we put forward a proposal that said that if you were to reach that point, that you would be entitled to 2 years of food stamps if you had a work history to support that.

The fact of the matter is that in 2 years' time, the vast majority of people who apply for citizenship would be processed and become citizens. We do not require you to become a citizen. If you do not wish to do so, then you had the opportunity to receive those benefits for 2 years anyway.

The point is that all of these things are in negotiation between the House conferees, the Senate conferees, and the White House to do the responsible thing, to do what recognizes the needs where they exist and provide them as the offer that the House conferees made, which included something the Senate conferees did not include in their most recent offer to us, which is for children, for disabled individuals, and for refugees to receive food stamps. Those are certainly areas that should be covered. But it should not be a blanket coverage where anybody gets it whether they have ever contributed anything or whether they have simply come to this country, stayed here for a period of time, and now want to receive government assistance.

So I would urge my colleagues to restrain themselves from saying that just because the Senate has put something out there that we should naturally rush to it. No, we should discuss this with the Senate, we should discuss this with the White House, we should work out a responsible plan, and that is what we are in the process of doing, and this motion to instruct the conferees, which is nonbinding, but none-

theless is an attempt to, I think, make a political statement is not helpful to that process; and I would urge my colleagues to defeat it.

Mr. Speaker, I reserve the balance of my time.

Mr. BACA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from California for yielding me this time. I commend him for his leadership and the leadership of the Hispanic Caucus in this conference in bringing up this important motion to instruct.

Mr. Speaker, as a new cochair of the Democratic Coalition, I am pleased to rise today in strong support of the Baca motion. This motion works to ensure that those who are here legally in the United States receive basic food stamp benefits. After the implementation of the 1996 welfare reform legislation, most legal immigrants lost their access to all welfare benefits, including food stamps. Although legal immigrants represent only about 6 percent of those on public aid, they took the brunt of the cuts made by the welfare law.

Many of those who lost benefits were people who could not support themselves. They were too disabled, too old, or too frail to work. Further, research has shown that since this legislation was passed, many immigrant children have experienced increased difficulty in obtaining the resources to purchase nutritionally-adequate food. The motion before the House today would restore food stamp benefits to legal immigrants.

Support for restoring this benefit crosses ideological and partisan lines. A report issued by the bipartisan U.S. Commission on Immigration Reform, subsequent to the welfare law's enactment, recommended against denying benefits to legal immigrants solely because they were noncitizens. In fact, President Bush's 2003 budget includes a proposal to restore food stamps to legal immigrants who have lived in the United States for 5 years; but now, that is being blocked by the Republican majority in Congress during this conference meeting.

As a New Democrat, I believe it is essential to support our legal immigrants. Our welfare reform law broke the long-standing agreement between future citizens and their adopted homeland. Legal immigrants share the same responsibility as citizens. They pay taxes; they serve in the military. Many, if not all, are working hard to become full-fledged citizens. The United States has always embraced legal immigrants who enrich our culture and work hard to make our Nation stronger; but just like anyone else, immigrants can sometimes fall on hard times. We now have an opportunity to do the right thing and reestablish the contract between legal immigrants and American society. I urge my colleagues to support this motion.