

That is why, when this process is over, we will have a real Patients' Bill of Rights. We will put decisionmaking authority back in the hands of kids, back in the hands of families. And if HMOs are going to make health care decisions, they ought to be treated just like the people who make health care decisions every day—doctors and hospitals.

We never said we wanted them to be treated any worse. What we did in the Senate was pass a bill that said exactly that. If you make a health care decision—if some HMO bureaucrat makes a health care decision and overrides the decision of a doctor or of a hospital, they are going to be treated exactly as the hospital and the HMOs are treated. They will stand in the shoes of the people who make the decisions. We are going to treat them as everybody else.

Madam President, we are still optimistic. We believe we can do what needs to be done for the American people. This is a critical piece of legislation to families all over America. We will not stop. We will not stop until this legislation and this law that is so desperately needed is signed by the President of the United States.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Madam President, they said they are standing with the American public on what they are demanding. The American public is demanding health care insurance. The Patients' Bill of Rights dramatically increased the cost of health insurance. If we are interested in what the American public is demanding, it is lower health insurance bills. What they would have gotten if this bill had passed and become law in the Senate is higher health care bills, because under this bill we would allow employers to be sued—yes, not HMOs. You always hear HMOs, HMOs. Look, I am happy to have HMOs, but what this bill allows, what they have been arguing for from day one is to allow people who have employer-provided insurance is to let the employer be sued.

To be clear, I haven't talked to one employer in Pennsylvania who, if the Senate bill were passed, which allows employers to be sued simply by providing insurance to their employees—I haven't talked to one who said: I am out of the insurance business; that is not my job; that is not why I provide insurance to employees. I do it as a benefit and to be competitive in the marketplace. But do you know what. I am not going to open up the books and the entire revenues of my company to trial lawyers suing on behalf of my employees because they got a bad health care outfit.

This bill will not only drive up costs, but it will drive employers out of providing health insurance. That is not what the American public is demanding. They are not demanding higher costs and to be uninsured by their employers. That is what this bill would do.

I respect greatly the President for standing firm and saying we are not going to cause massive uninsurance, we are not going to cause massive increases in health insurance, all to the benefit of the trial lawyers of America. That is not what we are about, and it is not what the American public wants, and that is not what we are going to do. I thank the President for not going along with this scheme to end up driving the private markets into the ground and then having those who drove the market into the ground come back to the Senate floor and say: See, look, private employers are not doing their job anymore, so we need a Government-run health care system; let's pass that.

Madam President, that is not why I got up to talk. That is what happens when you listen to other people's speeches.

THE PRESIDENT'S FAITH-BASED INITIATIVE

Mr. SANTORUM. Madam President, we have been trying over the last few hours to get a unanimous consent agreement on the President's faith-based initiative called the CARE Act, passed out of the Senate Finance Committee on a bipartisan basis. We have been working, first, to clear a unanimous consent agreement to get the CARE Act, as passed by the Finance Committee, cleared without amendments being offered by either side, simply a managers' amendment that includes provisions not in the Finance Committee mark because the Finance Committee didn't have jurisdiction over those elements of the bill that Senator LIEBERMAN and I and the President have agreed on as a compromise. We tried to clear that, and there was objection.

So Senator LIEBERMAN and I talked with Senator DASCHLE to see if we could clear a unanimous consent with the limitation on amendments—not relevant amendments but simply tax amendments. We suggested five on either side. That was cleared on our side. That was acceptable to us, to have a limitation on amendments of five on each side. We have just been informed that is not acceptable on the Democrat side. We asked if six was. No. Seven? No.

So my concern is that we will not take the bill clean or with a limitation on amendments. I guess I have to ask—and I will not propound a unanimous consent request, but I believe there are Members on both sides working in good faith to see if we can get this piece of legislation before the Senate and get it enacted into law. It is something I know Members on both sides of the aisle feel very strongly about—to support charitable giving at a time when charitable giving has really taken it on the chin, other than with respect to 9/11. With the stock market down, we have seen charitable giving go down and, in some cases, dramatically. This

is needed to help the nonprofit sector to provide for the human service needs out there in America.

So I will withhold a unanimous consent request, even though I think we had some agreement to try to propound one tonight, because there are objections on the Democratic side of the aisle. I just encourage my colleagues on both sides of the aisle to try to work with us to see if we can find a regime in which we can bring this legislation to the floor with some sort of limitation on amendments and debate and have a good discussion and then move forward and pass this legislation. Maybe even if it is acceptable, we can get the House to accept it and move it on to President, and we must go to conference.

I hope we can work in a bipartisan spirit to help. This is targeted to help those who are in need in our society. It is something the President cares about and Senator LIEBERMAN, as do others, including Senator DASCHLE.

Let's have a good-faith effort here to move forward on this legislation and find some sort of unanimous consent agreement to move us forward on this important piece of legislation that is so needed by those who want to be helpful to others in need in our society.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I ask unanimous consent that I may be allowed to proceed in morning business for up to 30 minutes.

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

Mr. GRAHAM. Will the Senator allow me to enter a unanimous consent request as well?

Mr. BENNETT. I am happy to.

Mr. GRAHAM. Madam President, I ask unanimous consent that I be allowed to speak as in morning business up to 20 minutes immediately after the Senator from Utah.

Mr. REED. Reserving the right to object. I have been waiting patiently for many moments. I only have approximately 5 or 10 minutes to speak, and I have a press deadline. The way it is right now, I will get the floor an hour from now. Is there a way I might be able to go before my colleagues?

Mr. BENNETT. Madam President, I have no problem with the Senator from Rhode Island going ahead. I have been waiting while the other three Senators went through. I don't have to worry about a press deadline in Utah. We have probably already passed it. I am happy to allow the Senator from Rhode Island to go first if the Senator from Florida is agreeable.

Mr. GRAHAM. I am agreeable to the unanimous consent agreement that I follow the Senator from Utah.

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

The Senator from Rhode Island.

Mr. REED. Madam President, let me thank the Senators from Utah and Florida for their graciousness in allowing me to go forward.

REAUTHORIZATION OF TEMPORARY ASSISTANCE TO NEEDY FAMILIES

Mr. REED. Madam President, I rise to discuss the necessity to provide broader flexibility to States in their effort to reward work, lift people out of poverty, and benefit children. As we contemplate the reauthorization of the Temporary Assistance to Needy Families, TANF, program, we have to ask ourselves: On what basis do we want to judge the success of welfare reform?

Will we focus only on the reduction of case loads and increases in work participation, without regard to whether the wage levels raise families out of poverty and children are better off? Or, do we want to build a system that truly breaks the cycle of poverty and supports the long-term economic well-being of welfare recipients and results in a better future for children?

We need to move to the next generation of welfare reform. Our goal should be to reduce poverty, reward work, and ensure the well-being of children.

Much of the debate on welfare policy revolves around the issue of work, but how do we reward work? During the past two decades states have experimented with new approaches to cash welfare assistance for low-income families. These initiatives have included mandatory employment services, earnings supplements, and time limits on welfare receipt.

How do we know which strategies work best? A federally-funded evaluation of welfare-to-work experiments by Manpower Demonstration Research Corporation, MDRC, provides a wealth of information on the effect of these strategies on employment and income, as well as child well-being. This rigorous random-assignment research lays a strong foundation for legislative deliberations about the reauthorization of TANF.

Although most of these initiatives increased the employment rate among welfare recipients, programs that included only mandatory employment services usually left families no better off financially than they would have been without the programs.

The only programs that both increased work and made families financially better off were those that provided earnings supplements to low-wage workers. These programs also increased job retention and produced a range of positive effects for children, including better school performance and fewer behavioral and emotional problems for elementary school-age children. One income-raising program also significantly reduced domestic violence and family breakup.

Earnings supplements are easily provided to working recipients by allowing them to keep more of their benefits. For example, some States have not cut or eliminated a family's assistance on a dollar-for-dollar basis when the family enters employment.

However, under current law, States are restricted in how they can use their

TANF block grant funds to help working families, because any month in which Federal funds are used to provide "assistance" to a working family counts against the Federal time limit on assistance.

Some States, including my state of Rhode Island, Illinois, Delaware, Maryland, and Pennsylvania, operate programs using State money to help low-income working families. In Rhode Island, our Family Independence Program, FIP, provides a State earnings supplement as a work support and does not count it as "assistance" if a parent is working at least 30 hours per week.

Using this FIP wage supplement, families have funds to buy basic necessities.

Knowing that their income will not plummet after some artificial time limit is an incentive to find a job. Providing stable income helps parents stay attached to the workforce and rewards work.

For example, a mother with two children, who works 30 hours per week and earns the average starting wage of about \$7.80 per hour in Rhode Island, receives a supplemental FIP payment of \$132 per month. This brings her total income to about \$1,044 per month. Even with this supplement even with her work, that \$1,000 per month is still only 83 percent of the Federal poverty level.

With a supplement and with work these women are still not making income relative to the poverty level.

If Rhode Island did not use state dollars for the wage supplement, when a mother reached her 5-year time limit and the FIP payment stopped, she would lose 13 percent of her total income.

Using State funds offers broader flexibility for States to support families that meet work requirements and yet remain eligible for earnings supplements because of low wages. However, with State budgets being severely constrained, the ability to sustain this work support for low-income families is in jeopardy.

Further, as a State equity issue, all States should have the flexibility to use their Federal TANF funds to help low-income working families without restrictions—for the simple reason that it works.

Sadly, the income-enhancing effects of wage supplements and the positive effects on children are undermined by current restrictions on the use of TANF funds and definitions of what counts as "assistance."

Income gains disappear after families reach their time limits. The rigidity of the current system that counts wage subsidies as "assistance" conflicts with the success of supplemental cash payments, which rewards work.

If we want to reward work and help children, we must give States the flexibility and the option to provide continuing assistance to working families using Federal TANF dollars, ensuring that these supplements are not considered "assistance" under this program.

If the Senate were to permit TANF funds to be used in this flexible way, families would continue to be subject to all other Federal and State TANF requirements, including work and universal engagement requirements. But States would have flexibility in deciding whether to exercise the option and for how long to exercise this option. This provision has no cost; it would simply give States more flexibility in using existing Federal TANF funds to support low-income working families.

Earnings supplements have a proven record for boosting work and "making work pay." These programs reward those who do the right thing by getting jobs and it results in better outcomes for children.

I urge my colleagues to work with me during the upcoming debate on the welfare reauthorization bill to ensure the inclusion of this broader flexibility for States.

I again thank the Senator from Utah for his kindness and graciousness. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

INTERNATIONAL CRIMINAL COURT

Mr. BENNETT. Madam President, 1 month ago today on July 1, 2002, the International Criminal Court was formally brought into existence. There has been objection to the International Criminal Court in America and, indeed, there has been a great deal of angst among our friends and allies around the world over the fact that President Bush removed America's signature from the treaty that created the International Criminal Court.

I have read some of the press around this controversy with great interest. I have been particularly struck by the fact that Chris Patton of the European Parliament, who is probably as good a friend as America has anywhere in Europe, has, in the American newspapers, expressed his great concern about our failure to endorse the International Criminal Court and to fully support it.

I cannot speak for the administration. I cannot speak for my colleagues in the Senate, but I can speak for myself, and I think Chris Patton and the others throughout the world who have expressed concern with our actions on this issue have the right to understand why some Americans are opposed to the International Criminal Court. I intend to lay out today the reasons why I, as one Senator, am opposed to the International Criminal Court in an effort to help our friends around the world understand some of the difficulties that many Americans have and to make it clear that my opposition to the International Criminal Court is not a knee-jerk response as some European newspapers may expect.

First, I should make it clear for those who may be listening or who might read the speech afterwards what the International Criminal Court is because I find that many of my constituents have no idea what it is. So very