good of political parties. All it takes is for us to stop wallowing in the intoxicating sweet smoke of rhetoric—in the intoxicating aura of power, and start trying to be what we all loudly claim to be: statesmen! All it takes is for us to sober up, put the cards down, and fold up this drunken poker game that has already progressed far too late into the evening. We need to pass the coffee, get the red out of our eyes, and try to remember why the people sent us here in the first place.

If the people have lost respect for public officials, spectacles such as the one now being touted as a train wreck are surely the reason why. If confidence in the Federal Government is failing, this type of power-induced insanity that views flirting with an economic collapse as good political strategy is certainly one reason why. If we try to publicly pretend that we cannot avoid such a fiscal crisis, we need never again scratch our heads and wonder why people do not trust and do not believe politicians. There need be no crisis unless irresponsible partisan-crazed politicians create one, and we all know it.

I am encouraged by the press accounts of the meeting that occurred earlier this week between President Clinton and congressional leaders, at which they apparently agreed to negotiate a short-term spending plan that would avoid an October 1 Government shutdown. That would address at least part of the problem. And if cooler heads prevail, surely we can, and surely we must, find a way to settle our very real and very serious budgetary and appropriations differences in the coming weeks, as we were elected to do, without fashioning deliberate train wrecks that would be devastating to this great country of ours. If we fail to do so, if November brings such unimaginable devastation to our country, I fear not for our sorry lot, for we politicians will get exactly what we deserve. I fear only for the American people who so wrongly invested their trust in us in the first place.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WELLSTONE. Mr. President, I object for the moment.

The PRESIDING OFFICER. Objection is heard.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

OUR NATIONAL COMMITMENT TO DEPENDENT CHILDREN

Mr. MOYNIHAN. Mr. President, on this, the likely final day of the debate on the welfare reform measure before us, it is worth noting that in the lead story of the New York Times this morning, a story by Robin Toner, we read that ''the White House, exceedingly eager to support a law that promises to change the welfare system, was sending increasingly friendly signals about the bill.''

That is a bill that would repeal title IV–A of the Social Security Act of 1935 that provides aid to dependent children. It will be the first time in the history of the Nation that we have repealed a section of the Social Security Act. That the White House should be eager to support such a law is beyond my understanding, and certainly in 34 year's service in Washington, beyond my experience.

I regret it. I can only wish some who are involved in the White House or those in the administration, would know that they might well resign if they agree with the proposal that violates every principle they have asserted in their careers, honorable careers in public service.

I will state once again, we, yesterday, read Mr. Rahm Emanuel, a White House spokesman, saying the measure was coming along ''nicely.'' Today, we get the same message in a lead story in the Times. If this administration wishes to go down in history as one that abandoned, eagerly abandoned, the national commitment to dependent children, so be it. I would not want to be associated with such an enterprise, and I shall not be.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SELF-SUFFICIENCY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

The Senate resumed consideration of the bill.

Pending:

Dole modified amendment No. 2280, of a perfecting nature.

Subsequently, the amendment was further modified.

Daschle amendment No. 2672 (to amendment No. 2280), to provide for the establishment of a contingency fund for State welfare programs.

Faircloth amendment No. 2608 (to amendment No. 2280), to provide for an abstinence education program.

Wellstone amendment No. 2584 (to amendment No. 2280), to exempt women and children who have been battered or subject to extreme cruelty from certain requirements of the bill.

Faircloth amendment No. 2609 (to amendment No. 2280), to prohibit teenage parents from living in the home of an adult relative or guardian who has a history of receiving assistance.

Conrad amendment No. 2528 (to amendment No. 2280), to provide that a State that provides assistance to unmarried teenage parents under the State program require such parents as a condition of receiving such assistance to live in an adult-supervised setting and attend high school or other equivalent training program.

Jeffords amendment No. 2581 (to amendment No. 2280), to strike the increase to the grant to reward States that reduce out-of-wedlock births.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes, to be equally divided, on the Wellstone amendment No. 2584, to be followed by a vote on or in relation to the amendment.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, there being some spare time in our schedule just now, I would like to take the occasion, and exercise the privilege, as I see it, of reading to the Senate the lead editorial in the Washington Post this morning. It is entitled ''Welfare Theories.'' This is an editorial page which has been dealing thoughtfully, supportively, with welfare problems for 35 years.

On the opposite page, columnist George Will musters a most powerful argument against the welfare bill now on the Senate floor. The bill purports to be a way of sending strong messages to welfare recipients that it is time for them to mend their ways. But as Mr. Will notes, ''no child is going to be spiritually improved by being collateral damage in a bombardment of severities targeted at adults who may or may not deserve more severe treatment from the welfare system.''

The bill is reckless because it could endanger the well-being of the poorest children in society in the name of a series of untested theories about how people may respond to some new incentives. Surely a Congress whose majority proudly carries the mantle ''conservative'' should be wary of risking human suffering on behalf of some ideological driven preconceptions. Isn't that what conservatives always accused liberals of doing?

The best thing that can be said of this bill is that it is not as bad as it might have been. Some of the most obviously flawed proposals—mandating that States end welfare assistance to children born to mothers while they are on welfare and that they cut off assistance to teen mothers—have been voted down. There will be at least some requirements that States continue to invest resources in programs for the poor in exchange for their current Federal budget allocations. But they are still not strong enough, and are potentially loophole-ridden. Some new money for child care may also be sprinkled onto this confection.

May I repeat a powerful image, Mr. President:

Some new money for child care may also be sprinkled onto this confection.

But the structure of the bill is wrong, and a fundamental untruth lies at its heart. Congress wants to claim that it is (1) doing something about a whole series of social and economic pathologies, while at the same time (2) cutting spending. But a welfare reform that is serious about both promoting work and helping children in single-parent homes will cost more than writing checks, especially given the extremely modest sums now spent by so many States on the poor.

Going to a block grant formula would destroy one of the few obvious merits of the current system, which is its ability to respond flexibly to regional economic upturns or downturns. On top of this, the bill's provisions on food stamps and its reductions in assistance to disabled children under the Supplementary Security Income Program go beyond what might constitute reasonable reforms. And its provisions cutting aid to legal immigrants would backfire on states with large immigrant populations.

Many Senators will be tempted to vote for this bill anyway, arguing that it has been ''improved'' and fearing the political consequences of voting against anything labeled welfare reform. But many of the ''improvements'' will disappear once the bill goes to a conference with the House, which has passed an even more objectionable bill. In any event, voting this bill down would be exactly the opposite of a negative act. It would be an affirmation that real welfare reform is both necessary and possible. To get to that point, a dangerous bill posing as the genuine article must be defeated first.

That is the end of the editorial.

Mr. President, what I cannot comprehend is why this is so difficult for the administration to understand. The administration has abandoned us, those of us who oppose this legislation.

Why do we not see the endless parade of petitioners as when health care reform was before us in the last Congress, the lobbyists, the pretend citizen groups, the real citizen groups? None are here.

I can recall, Mr. President, the extraordinary energy that went into any change in the welfare system 30 years ago, 25 years ago. Fifteen years ago, if there was a proposal to take $40 out of some demonstration project here on the Senate floor, there would be 40 representatives of various advocacy groups outside.

There are very few advocacy groups outside. You can stand where I stand, Mr. President, and look straight out at the Supreme Court—not a person in between that view. Not one of those flaunted, vaunted advocacy groups forever protecting the interests of the children and the helpless and the homeless and the what-you-will. Are they increasingly subsidized and therefore increasingly co-opted?

Are they are silent because the White House is silent? They should be ashamed. History will shame them.

One group was in Washington yesterday and I can speak with some spirit on that. This was a group of Catholic bishops and members from Catholic Charities. They were here. They were in Washington. Nobody else. None of the great marchers, the great chanters, the nonnegotiable demanders.

There is one police officer that has just appeared, but otherwise the lobby by the elevators is as empty this morning as it was when I left the Chamber last night about 10 o'clock.

I read in the New York Times this morning, the front page, lead article:

And the White House, exceedingly eager to support a law that promises to change the welfare system, was sending increasingly friendly signals about the bill.

I see my friend from Indiana, Senator COATS, is on the floor. I know his view will be different from mine on the bill. But I recall that extraordinary address he gave yesterday on civil society, citing such as Nathan Glazer and James Q. Wilson, I, in response, quoted some of their observations that we know we have to do these things, but we do not know how to do them. We are just at the beginning of recognizing how profound a question it is, as the Senator so brilliantly set forth. But first, do no harm. Do not pretend that you know what you do not know. Look at the beginnings of research and evaluation that say, ''Very hard, not clear.'' Do not hurt children on the basis of an unproven theory and untested hypothesis.

That is what the Senator was citing, persons yesterday who said just that. This morning, the Washington Post, in its lead editorial, speaks of the structure of the bill being wrong, that a fundamental untruth lies at its heart.

Congress wants to claim that it is (1) doing something about a whole series of social and economic pathologies, while at the same time (2) cutting spending. The nostrums, the unsupported beliefs, the unsupported assertions, are quite astounding.

White House spokesman Rahm Emanuel yesterday told us things are going well. I say once again there is such a thing as resigning in Government, and there comes a time when, if principle matters at all, you resign. People who resign on principle come back; people whose real views are less important than their temporary position, ''their brief authority,'' as Shakespeare once put it, disappear.

If that brief authority is more important than the enduring principles of protecting children and childhood, then what is to be said of those who prefer the one to the other? What is to be said of a White House that was almost on the edge of excess in its claims of empathy and concern in the last Congress but is now prepared to see things like this happen in the present Congress?

All they want is, and I quote the Washington Post, ''some new money for child care that may be sprinkled onto this confection.''

It will shame this Congress. It will spoil the conservative revolution. The Washington Post makes this clear. If conservative means anything, it means be careful, be thoughtful, and anticipate the unanticipated or understand that things will happen that you do not expect. And be very careful with the lives of children.

I had no idea, Mr. President, how profoundly what used to be known as liberalism was shaken by the last election. No President, Republican or Democrat, in history, or 60 years' history, would dream of agreeing to the repeal of title IV A of Social Security, the provision for National Government for children. Clearly, this administration is contemplating just that.

I cannot understand how this could be happening. It has never happened before.

I make no claim to access. Hardly a soul in the White House has talked to me about this subject since it arose. They know what I think and they know what I would say; not about the particulars, but about the principle—the principle. Does the Federal Government maintain a commitment to State programs providing aid to dependent children?

It is not as if we had just a few. Ten million is a round number, at any moment.

As George Will observes in his column, and the Washington Post editorial refers to his column—the numbers are so extraordinary:

Here are the percentages of children on AFDC at some point during 1993 in five cities: Detroit (67), Philadelphia (57), Chicago (46), New York (39), Los Angeles (38).

Then he cites this Senator:

''There are * * * not enough social workers, not enough nuns, not enough Salvation Army workers'' to care for children who would be purged from the welfare rolls were Congress to decree [and then Mr. Will says] ''(as candidate Bill Clinton proposed) a two-year limit for welfare eligibility.''

The citation of Nicholas Eberstadt—I have the honor to have been a colleague of Mr. Eberstadt in a course entitled, ''The Social Science and Social Policy,'' which was taught in the core curriculum at Harvard University. Nicholas Eberstadt, of Harvard and the American Enterprise Institute, says:

Supposing today's welfare policy incentives to illegitimacy were transported back in time to Salem, MA in, say, 1660. How many additional illegitimate births would have occurred in Puritan Salem? Few. Because the people of Salem in 1660 believed in hell and believed that what today are called disorganized lifestyles led to hell. Congress cannot legislate useful attitudes.

I can say of my friend Mr. Eberstadt, I do not know where his politics would be, save they would be moderate, sensible, based on research. He is a thoughtful man; a demographer. He has studied these things with great care. And he, too, cannot comprehend national policy at this point.

Scholars have been working at these issues for years now, and the more capable they are, the more tentative and incremental their findings. I cited yesterday a research evaluation of a program, now in its fifth year, of very intensive counseling and training with respect to the issue of teen births—with no results. No results. It is a very common encounter, when things as profound in human character and behavior are dealt with. The capacity of external influences to change it is so very small.

And that we should think otherwise? That men and women have stood in

this Chamber and talked about a genuine crisis—and there is that. And I have said, if nothing else comes out of this awful process, at least we will have addressed the central subject. But if it is that serious, how can we suppose it will be changed by marginal measures? It will not.

Are there no serious persons in the administration who can say, ''Stop, stop right now? No. We won't have this. We agree with the Washington Post that, 'It would be an affirmation that real welfare reform is both necessary and possible. To get to that point, a dangerous bill posing as the genuine article must be defeated first.'" If not, profoundly serious questions are raised about the year to come?

Mr. President, I ask unanimous consent to have Mr. Will's column printed in the RECORD and I yield the floor.

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

WOMEN AND CHILDREN FIRST?

(By George F. Will)

As the welfare reform debate begins to boil, the place to begin is with an elemental fact: No child in America asked to be here.

Each was summoned into existence by the acts of adults. And no child is going to be spiritually improved by being collateral damage in a bombardment of severities targeted at adults who may or may not deserve more severe treatment from the welfare system.

Phil Gramm says welfare recipients are people ''in the wagon'' who ought to get out and ''help the rest of us pull.'' Well. Of the 14 million people receiving Aid to Families with Dependent Children, 9 million are children. Even if we get all these free riders into wee harnesses, the wagon will not move much faster.

Furthermore, there is hardly an individual or industry in America that is not in some sense ''in the wagon,'' receiving some federal subvention. If everyone gets out, the wagon may rocket along. But no one is proposing that. Instead, welfare reform may give a whole new meaning to the phrase ''women and children first.''

Marx said that history's great events appear twice, first as tragedy, then as farce. Pat Moynihan worries that a tragedy visited upon a vulnerable population three decades ago may now recur, not as farce but again as tragedy.

Moynihan was there on Oct. 31, 1963, when President Kennedy, in his last signing ceremony, signed legislation to further the ''deinstitutionalization'' of the mentally ill. Advances in psychotropic drugs, combined with ''community-based programs,'' supposedly would make possible substantial reductions of the populations of mental institutions.

But the drugs were not as effective as had been hoped, and community-based programs never materialized in sufficient numbers and sophistication. What materialized instead were mentally ill homeless people. Moynihan warns that welfare reform could produce a similar unanticipated increase in children sleeping on, and freezing to death on, grates.

Actually, cities will have to build more grates. Here are the percentages of children on AFDC at some point during 1993 in five cities: Detroit (67), Philadelphia (57), Chicago (46), New York (39), Los Angeles (38). ''There are,'' says Moynihan, ''not enough social workers, not enough nuns, not enough Salvation Army workers'' to care for children who would be purged from the welfare rolls were Congress to decree (as candidate Bill Clinton proposed) a two-year limit for welfare eligibility.

Don't worry, say the designers of a brave new world, welfare recipients will soon be working. However, 60 percent of welfare families—usually families without fathers—have children under 6 years old. Who will care for those children in the year 2000 if Congress decrees that 50 percent of welfare recipients must by then be in work programs? And whence springs this conservative Congress's faith in work programs?

Much of the welfare population has no family memory of regular work, and little of the social capital of habits and disciplines that come with work. Life in, say, Chicago's Robert Taylor housing project produces what sociologist Emil Durkheim called ''a dust of individuals,'' not an employable population. A 1994 Columbia University study concluded that most welfare mothers are negligibly educated and emotionally disturbed, and 40 percent are serious drug abusers. Small wonder a Congressional Budget Office study estimated an annual cost of $3,000 just for monitoring each workfare enrollee—in addition to the bill for training to give such people elemental skills.

Moynihan says that a two-year limit for welfare eligibility, and work requirements, might have worked 30 years ago, when the nation's illegitimacy rate was 5 percent, but today it is 33 percent. Don't worry, say reformers, we'll take care of that by tinkering with the incentives: There will be no payments for additional children born while the mother is on welfare.

But Nicholas Eberstadt of Harvard and the American Enterprise Institute says: Suppose today's welfare policy incentives to illegitimacy were transported back in time to Salem, Mass., in 1660. How many additional illegitimate births would have occurred in Puritan Salem? Few, because the people of Salem in 1660 believed in hell and believed that what today are called ''disorganized lifestyles'' led to hell. Congress cannot legislate useful attitudes.

Moynihan, who spent August writing his annual book at his farm in Delaware County, N.Y., notes that in 1963 that county's illegitimacy rate was 3.8 percent and today is 32 percent—amost exactly the national average. And no one knows why the county (which is rural and 98.8 percent white) or the nation has so changed.

Hence no one really knows what to do about it. Conservatives say, well, nothing could be worse than the current system. They are underestimating their ingenuity.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will be very brief. I thank my colleague from New York. For me, personally, having an opportunity to be on the floor while Senator MOYNIHAN speaks is a real honor. We actually go back a ways—not that we knew each other personally, but I assigned many of his books in my classes, ranging from ''Maximum Feasible Misunderstanding'' to ''The Politics of the Guaranteed Income.''

It is interesting, once upon a time, back in 1970 or thereabouts, we were not on the same side. We had disagreements. He was the one who was nationally renowned then. I was a college teacher and I always respected Professor MOYNIHAN, and Senator MOYNIHAN, for his views. But at this point in time, having just listened to what he said, I cannot even begin to tell him how much respect I have. His voice is a very powerful and eloquent voice.

I must say, I think the silence from the White House on this question is deafening. Let me just repeat that one more time: The silence from the White House on this question is just deafening. You just cannot have it both ways, Mr. President. You cannot keep talking about children and you cannot keep talking about how you are for children and turn your gaze away from this process and what we are about to do here in the U.S. Senate.

Colleagues are coming in. It may be difficult to take a lot more time. I do not want to delay this process. But as we have gone forward in this debate, I think the thing that saddens me and also angers me—sometimes I am more saddened than angered, sometimes I am more angered than saddened—is not just the question that Senator MOYNIHAN has raised, which is, we do not know, we are about to make policy without understanding, coming anywhere close to understanding the effects of what we are doing. That is, I think, what George Will was trying to say today. But I also feel, and I will be a little bit more, not harsh, but critical of some of my colleagues, I also feel that all too often Senators have come to the floor and have repeated essentially the same stereotypes.

It is not just what we do not know. In fact, we do know some things. It is as if people do not, kind of, want to face up to this at all. All this discussion about out-of-wedlock births and what I consider to be and what I think every colleague considers to be a fundamental problem, a challenge to be dealt with, or question, why children have children, that is a complicated question. That is a complicated question. That is what my colleague from New York is trying to say.

But from a lot of the statistics that have been recited out on the floor and a lot of the discussion, you would think that we are talking about exclusively a problem with AFDC. It is societal wide, yet it gets mixed up, apples and oranges, all the time.

I have heard figures spelled out on the cost of welfare where I think everything was lumped in. You would think it was the aid to families with dependent children that built up $5 trillion of debt and was responsible for the annual budget deficits and all the rest. This is not true.

You would think from this discussion that these enormously high benefits—when not one State has welfare benefits combined with food stamps, even up to the official definition of poverty—were causing women to plan to have more children. But there is no evidence for that at all.

Mr. MOYNIHAN. None.

Mr. WELLSTONE. In fact, yesterday I asked my colleague, I said, let us take a look at some correlations State by State. I asked, ''Is there any correlation?'' We learned, in fact, there is an inverse correlation. Those States

with the lowest benefits tend to have families with more children. The lowest benefit States have the highest rates of illegitimate children.

So, Mr. President, I think that we are being very reckless with the lives of children. I think what the Senate is about to do over the next couple of days, barring major changes for the better, is very reckless with the lives of children. And in many ways I think it is amounting to nothing more than just bashing because, as I have said before, these mothers do not have the resources to get on NBC, CBS, and ABC and fight some of these stereotypes.

We want reform. But I have heard precious little discussion about the whole issue of job training, jobs, affordable child care, and moving forward on health care reform, not just for welfare mothers but other families as well. I have heard precious little of that.

So, Mr. President, for me the bottom line is—and I understand the climate. It has been just a one-sided flow of information. I said, earlier, I say to my colleague, I was at the Minnesota State Fair. I love to be at the State fair. Almost half of the State's population is there in 12 days. I like interacting with people. It is my nature to like people. I had lots of people come up to me and talk about welfare. And people really do believe we have to drive all these cheaters off the rolls and slackers back to work. People do not necessarily realize that 9 million of those 15 million on welfare are children. But I think when you talk to people they will say to you we are for the reform but we do not want you to punish children.

The direction we are going in is going to punish children. It will—and I do not exaggerate—end up taking food out of the mouths of hungry children. It is not what we should be about. And if there ever was a moment for the President to show leadership, it is now. If there ever was a moment for the President of the United States of America to show leadership—and leadership to me is calling on people to be their own best selves, not appeal to the fears and to the frustrations of people—and spell out for people the facts and provide an education for people in the United States of America about what real reform would be which would benefit children as opposed to hurting children, it is now. The silence of the White House on this question is deafening.

As a Senator from Minnesota, I feel that I owe a lot to the Senator from New York for his courage, his wisdom, his eloquence, and his power.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I do not want to keep the floor further than to say no one has given more of his career to this subject than the Senator from Minnesota. He has been at the barricades and in the lecture halls and the State fairs on the subject. He is an authority on this subject. He speaks with profound conviction.

I thank him for his courtesy to me, and I plead. There is no one in the White House to hear what he has said. Before the day is ending, we will perhaps know more. But we began the day on the right track.

Mr. President, I see my friend from Pennsylvania has arrived. I do believe our procedures can commence.

I yield the floor.

Mr. SANTORUM. Mr. President, not to disappoint the Senator from New York, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2584, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to send a modified amendment to the desk.

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

The amendment (No. 2584), as modified, is as follows:

At the end of the amendment, insert the following new title:

TITLE —PROTECTION OF BATTERED INDIVIDUALS

SEC. 01. EXEMPTION OF BATTERED INDIVIDUALS FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of, or amendment made by, this Act, the applicable administering authority of any specified provision may exempt from (or modify) the application of such provision to any individual who was battered or subjected to extreme cruelty if the physical, mental, or emotional well-being of the individual would be endangered by the application of such provision to such individual. The applicable administering authority may take into consideration the family circumstances and the counseling and other supportive service needs of the individual.

(b) SPECIFIED PROVISIONS.—For purposes of this section, the term ''specified provision'' means any requirement, limitation, or penalty under any of the following:

(1) Sections 404, 405 (a) and (b), 406 (b), (c), and (d), 414(d), 453(c), 469A, and 1614(a)(1) of the Social Security Act.

(2) Sections 5(i) and 6 (d), (j), and (n) of the Food Stamp Act of 1977.

(3) Sections 501(a) and 502 of this Act.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) BATTERED OR SUBJECTED TO EXTREME CRUELTY.—The term ''battered or subjected to extreme cruelty'' includes, but is not limited to—

(A) physical acts resulting in, or threatening to result in, physical injury;

(B) sexual abuse, sexual activity involving a dependent child, forcing the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities, or threats of or attempts at physical or sexual abuse;

(C) mental abuse; and

(D) neglect or deprivation of medical care.

(2) CALCULATION OF PARTICIPATION RATES.—An individual exempted from the work requirements under section 404 of the Social Security Act by reason of subsection (a) shall not be included for purposes of calculating the State's participation rate under such section.

The PRESIDING OFFICER. Under the previous order, there will be now 10 minutes of debate equally divided on the Wellstone amendment, as modified, to be followed by a vote on or in relation to the amendment.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, I shall be brief because I believe we have now worked this out and that this amendment will be accepted. I am in fact very pleased about it.

Mr. President, let me just for a moment kind of spell out for my colleagues what this amendment does. Every 15 seconds a woman is beaten by a husband or a boyfriend in the United States of America. That is a horrible statistic. But unfortunately, it is a fact. Over 4,000 women are killed every year by their abuser and every 6 minutes a woman is forcibly raped.

My concern, when I introduced this amendment last night with Senator MURRAY, was that with our various requirements we would not unwittingly put States in a position where they essentially end up forcing women back into very dangerous homes.

In other words, the way to summarize it, it took Monica Seles 2 years to get back on the tennis court. Imagine what it would be like if you were beaten over and over and over again. When would you be able to get into a job program? When would you be able to get back on your own two feet? Quite often children are also severely affected by this.

My amendment allows States to exempt people who have been battered or subjected to extreme cruelty from some of these rules that we now have within the welfare system without being penalized for not meeting their participation rate. In other words, if States want to make an exemption for a woman, or sometimes a man, who has come from a very violent home and has been battered, a State will be able to do so and a State will be penalized in no way.

Mr. President, this is extremely important because I believe that in order for us to make sure that we do not send battered women back into violent homes, States absolutely have to be able to do this without being penalized in any way, shape, or form.

I also believe this amendment being passed will enable our States to put a focus on this question for not only battered women shelters and the advocates, but I think increasingly the larger number of citizens.

So I thank my colleagues for accepting this amendment.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

Does the Senator wish to urge adoption?

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. WELLSTONE. I do.

I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania has 5 minutes.

Mr. SANTORUM. Mr. President, I rise to say we accept the amendment, as modified, and allow the Senator to continue with the adoption of the amendment.

Mr. WELLSTONE. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 2584, as modified.

The amendment (No. 2584), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2609

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided on the Faircloth amendment, No. 2609, to be followed by a vote on or in relation to the amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, my pending amendment modifies a provision in the Dole bill which allows Federal funds to be used for cash aid to unmarried teenage mothers.

The sole purpose of this amendment is designed to disrupt the pattern of out-of-wedlock childbearing that is passing from one generation to the next. My amendment seeks to stop giving cash aid that rewards multigenerational welfare dependency.

Let us be clear what the Dole bill currently does. The bill says you can use Federal funds to give vouchers or inkind benefits to an unmarried teenage mother or you can use funds to put the mother in a supervised group home. That is fine, and we have all agreed upon that.

The Dole bill then goes on to say that you can use Federal funds to give cash benefits to unmarried teenage mothers if that mother resides with her parent.

We need to be very clear what type of household we are putting cash into. In this household, there will be three people. First, the newborn child; second, the unmarried teenage mother of that child; and third, the mother of the teenager who has the child, or the grandmother, the adult, in other words, in charge of the household.

The problem with this scenario is that the adult woman, the mother of the teenager, the grandmother of the new child, the person in charge of the operation, the one we are depending upon for supervision of the unmarried teenage mother is very likely either to be or have been an unmarried welfare mother herself. It is very likely that this adult mother gave birth to the teenager out of wedlock some 15 to 16 years ago and raised her at least partly on welfare. The young teenager giving birth out of wedlock is simply repeating the pattern and model which her mother laid down.

Let me remind you of a few public statistics to confirm what I am saying. A girl who is raised in a single-parent home on welfare is five times more likely to have a child out of wedlock herself than is a girl raised in a two-parent home without welfare. Roughly two-thirds of all the unwed teenage mothers were raised in broken or single-parent homes.

The amendment I am offering is intended to break up the lethal growing pattern of multigenerational illegitimacy and welfare dependency. That is the purpose, to try to break the cycle. The current amendment follows the same basic rule on teenage mothers as the Dole bill, which says you cannot use Federal funds to give cash aid, a check in the mail to a teenage mother unless that teenage mother resides with her parents or another adult relative.

My amendment maintains that same rule but adds only the one limitation, and the limitation states that an unmarried teenage mother cannot receive Federal aid, that is a check in the mail, if the parent or adult relative the teenager is living with herself had a child out of wedlock and has recently received aid to families with dependent children.

The teenage mother cannot get cash aid, cannot get a check in the mail if she is residing with a parent who herself has had a child out of wedlock and was a welfare mother and has recently received aid to families with dependent children.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired. The Senator from North Carolina had 5 minutes.

Mr. FAIRCLOTH. I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina.

Mr. FAIRCLOTH. The teenager in those circumstances could receive a voucher or federally funded inkind aid, but she could not get a Federal welfare check in the mail.

I want to stress that this does not prevent teenage mothers from living at home or from receiving noncash benefits. Of course, this restriction applies only to Federal funds. A State can use its money to send a check in the mail to anyone it wants.

If you vote against this amendment, you are voting to give cash aid to multigenerational welfare households. If you vote against this amendment, you are voting to subsidize and promote multigeneration illegitimacy.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on the Faircloth amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. I yield back the remainder of my time.

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

The legislative clerk called the roll.

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

The result was announced—yeas 17, nays 83, as follows:

[Rollcall Vote No. 422 Leg.]

YEAS—17

Ashcroft	Inhofe	Shelby
Brown	Lott	Smith
Faircloth	McCain	Stevens
Gramm	McConnell	Thompson
Grams	Nickles	Thurmond
Helms	Pressler	

NAYS—83

Abraham	Dorgan	Leahy
Akaka	Exon	Levin
Baucus	Feingold	Lieberman
Bennett	Feinstein	Lugar
Biden	Ford	Mack
Bingaman	Frist	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Bradley	Graham	Murkowski
Breaux	Grassley	Murray
Bryan	Gregg	Nunn
Bumpers	Harkin	Packwood
Burns	Hatch	Pell
Byrd	Hatfield	Pryor
Campbell	Heflin	Reid
Chafee	Hollings	Robb
Coats	Hutchison	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Thomas
Dodd	Kohl	Warner
Dole	Kyl	Wellstone
Domenici	Lautenberg	

So the amendment (No. 2609) was rejected.

AMENDMENT NO. 2528

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate, equally divided, on the Conrad amendment No. 2528, to be followed by a vote on or in relation to the amendment.

Mr. CONRAD. Mr. President, I ask unanimous consent that we be able to temporarily set aside the Conrad-Lieberman amendment because we have a request from the other side that we do that so that we perhaps have a chance to work things out before a vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2581

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate, equally divided, on the Jeffords amendment No. 2581, to be followed by a vote on or in relation to the amendment.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I offered this amendment on behalf of myself, Senator SIMPSON, Senator SNOWE and, I believe, Senator CHAFEE. I have not had time to gather others who, I am sure, want to cosponsor it.

This is an important amendment. I hope that my colleagues will listen carefully to what this does. It is an amendment with all the good intentions in the world and something that we all believe in—that we should reduce the out-of-wedlock births. It hopes to do this by giving an incentive to States to do things to try and reduce it and be rewarded if they are successful. What it does is says we shall carefully—keep track of what I say—set as a baseline the year 1995, and we will draw the baseline for each State on the number of abortions which were performed in that State and also the number of out-of-wedlock births that occur during that period of time. That might be well, but I would have to point out that such statistics do not exist in any valid form. So we will be establishing a baseline, first of all, that really we do not have any idea whether it is valid or not.

Then it says that if you reduce your out-of-wedlock births by 1 percent and you do not increase your abortions, then you will be rewarded with a 5-percent increase in the amount of money you receive across the board for welfare. If you do it by 2 percent, you will get a 10 percent. That may sound good, too, but remember, to start with we do not have any baseline that we have any accuracy with.

What it does is also create an incentive for the States to find all sorts of things to do in order to try and get below that. CBO scores it at a cost of $75 million over 7 years. In their view, nothing will happen, basically, because if it is successful, the cost will be $1.6 billion a year—$1.6 billion a year for which there is no appropriation; so it will come out of something else because it is an entitlement.

I point out that both the pro-life groups, if not all of them, but also pro-choice groups are opposed to this amendment for many different reasons. First of all, since we have no baseline, it is going to be difficult to know as to whether or not anything happened. Second, since it refers only to in-State abortions and in-State out-of-wedlock births, that does not include those that go across the border. So you open up serious problems with respect to manipulation of statistics.

There is no reporting process now for abortion. There is no definition of what an abortion is in the bill.

What is an abortion? Is it an IUD? Is it a D and C? What is it? We do not know. The statistics are all over the place.

The States will see that goal out there—and keep in mind that if it is totally successful, it will cost $1.6 billion a year and we will only reduce the out-of-wedlock births by 2 percent over the whole period of time.

If you are successful the first year and you stay at that level below the baseline, you pick up this thing for the whole 7 years, the 5 years of the bill and accomplish nothing more.

And, I point out, you have letters given to you from the Catholic Charities, who are very much against this. They think it will increase the number of abortions. The pro-choice have looked at this as an intervention into privacy.

Also, it includes not just welfare individuals; it includes all of your population. This means you will have to report out-of-wedlock births from every family that has that occur.

These things are really disruptive. I hope that we will defeat this provision of the bill. I ask for support of my amendment.

I reserve the remainder of my time.

Mr. ABRAHAM. I yield myself 2 minutes. Mr. President, if this amendment succeeds, we will have nothing left in this bill geared to the problem of illegitimacy that virtually every Member of this Senate has talked about and described is a problem in their State.

This portion of the bill creates incentives for States to attack this issue head on. I believe the criticisms, although well intentioned, do not justify turning our backs on this problem. The fact that it may cost more if States across America, every single State brings down its illegitimacy rate, it may cost $1 billion more in bonuses, does not reflect the total price tag and the success we would have if this were to be achieved.

The fact is this is a priority issue. It deserves, in terms of our funding priorities, to be placed high on the priority list. If we succeed, I think we will save more in dollars and lives than any bonuses we will pay to the States.

Further, I think some of the concerns that have been raised as to definitions are addressed in the legislation as it has been brought to the floor. The Secretary has given quite a bit of latitude to determine definitions as well as to determine whether or not the numbers have been in any way gained in order to allow States to capture advantage of the bonus undeservedly.

Finally, I just would say if we strip this provision from the bill, we will have to go back and explain to our constituents why we did not do one significant thing to address the No. 1 social problem in America today. Arguments in favor of this amendment do not, in my judgment, justify turning our backs on this issue.

Mr. President, I yield 2 minutes to the Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President. We are now debating a provision of the Dole bill that addresses illegitimacy but is not at all directive or proscriptive. The provision which the amendment by Senator JEFFORDS seeks to strike is a simple provision that rewards a State for reducing its illegitimacy ratio, the percentage of total births which are out of wedlock.

This provision taken from the House welfare reform bill says if a State decreases its illegitimacy ratio without increasing its abortion rate, we will increase the AFDC block grant by up to 10 percent.

That is what we all agree that we want. We want a reduction in out-of-wedlock births as long as it is not accomplished by an increase in abortions.

We do not tell the States how to reduce illegitimacy. We simply say, ''You come up with a successful way to reduce it, and we will give you more money.''

The provision has three elements. We set a goal: reducing illegitimacy. We give the States maximum flexibility in meeting that goal. Third, we provide a financial reward for meeting the goal.

If the Jeffords amendment succeeds, the illegitimacy reduction bonus mechanism is struck, the Dole bill will have no provision to reduce illegitimacy at all. We will not have real welfare reform.

We do not address the crisis of out-of-wedlock births. I thought that is what we came to address and to do something about, was illegitimacy, and everything that comes up to reduce it we vote down.

I urge my colleagues to vote against the Jeffords amendment.

Mr. ABRAHAM. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. GRAMM. Mr. President, it was argued yesterday that no one could establish a relationship between giving people money to do something and then seeing them do it.

In fact, the proponent of this argument stated that if you believe that people do more of something when you pay them to do it, then you must also believe in the tooth fairy. No more nonsensical statement was ever made on the floor of the U.S. Senate than that.

One-third of all the babies born in America today are born out of wedlock. The largest single explanation of why that is the case is that we give larger and larger cash payments to people who have more and more babies on welfare.

Yesterday, we lost on our effort to stop that suicidal national policy. Now we have an effort to strike the last remaining provision in this bill, a provision that says simply that if States are able, through their own reforms, to deal with the greatest welfare crisis we face, illegitimacy, that we will give them a bonus for their success.

Now we have an amendment that says strike that bonus and eliminate the last remaining effort to deal with illegitimacy. It is very important that this amendment be defeated.

I urge my colleagues to reject it.

Mr. JEFFORDS. I yield the balance of my time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. SIMPSON. Mr. President, I rise today in support of the amendment introduced by my colleague from Vermont. This amendment would strike the so-called ''illegitimacy ratio'' from the welfare bill. Let me just say obviously it is a difficult amendment, obviously a difficult area, a laudable pursuit, but I represent a state that values confidentiality and privacy and am greatly concerned about the inaccuracy of the data collection.

I do agree with the Senator from Vermont when he says that ''federal strings often do not produce the desired behavior modifications and can even produce unintended negative results.'' I think this ratio is a clear example of just that.

We all agree that the intentions of such a provision are in every way laudable, however, the implementation of such a ratio is what concerns me. We all want to reduce the number of out-of-wedlock births in this country. Every one of us. This issue is of major concern and needs to be addressed at all levels of government. I want to commend my colleagues for bringing this important issue to our attention.

However, as a legislator who is prochoice, I remain concerned that this ratio will actually hinder women from receiving abortions if and when they choose to do so. States possibly could actually restrict access to abortions in order to ensure that their abortion rate does not increase. Making abortions more difficult to obtain would obviously help to lower the abortion rate and that is the part that greatly concerns me.

In addition, coming from a state that so greatly values confidentiality and privacy—the right to be alone. I am greatly concerned about the inaccuracy of the data collection. We do not have reporting requirements on abortions in my State for physicians or public health officials. The physicians in Wyoming fiercely value their anonymity in this matter. The State does not seek more accurate reporting from them for fear of violence.

Wyoming has four abortion providers and access is very much a huge problem. In fact, most women in Wyoming travel to Colorado or Montana if they choose to have an abortion. Privacy is such an overwhelming concern in Wyoming, especially in our small towns. This ''ratio'' simply would not be an accurate indicator of abortions in any State for this very reason. Colorado and Montana's ratios would be skewed since they would have to account for the women who do travel to their States to have abortions. This is not a problem isolated to the Rocky Mountain States—this occurs across the country in every single rural and frontier area.

So I remain deeply concerned about the lack of reporting procedures that currently exist, and this amendment will only aggravate this problem. It does not provide for any additional funding for States to set up the extensive reporting procedures that will be needed in order to calculate this ratio. If we pass this ratio provision, we will in fact be passing on another unfunded mandate to the States.

We should all deal honestly with the issues of teenage pregnancy and illegitimacy, but there are so many other ways to address these matters including appropriate sex education in the schools, if I might add.

For these reasons, I urge passage of this amendment.

Mr. ABRAHAM. I yield the balance of my time to the Senator from Pennsylvania.

Mr. SANTORUM. Let me say there is always an excuse not to deal with this issue. If we do not adopt this amendment, there will be nothing on illegitimacy in this.

We have heard great speeches, what an important problem this is. If we do not reject the Jeffords amendment, there will be nothing in this bill to deal with what everybody thinks is the most pressing problem that we have to face.

We should quit finding excuses to do nothing.

Mr. DOLE. If I may use 2 minutes of my leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOLE. Mr. President, let me speak to my colleagues on both sides of the aisle.

I think there is a tendency for amendments offered by Democrats being voted for by Democrats, and maybe the other way, too.

This amendment makes a great deal of sense, not the amendment of the Senator from Vermont but the amendment in the bill. It was worked out very carefully after a lot of consultation by a lot of people to make certain that we were not doing some of the things that have been stated here.

It is up to the States; it is up to the Governors. We have talked about returning power to the Governors, power to the States. Democrat or Republican Governors—we have not made any distinction.

Everybody has railed about illegitimacy. Mr. President, one out of three births is out of wedlock.

This is a very important amendment. It is in the House bill. We do not see any reason it should not be in this bill. That is why we put it in the Dole amendment to start with.

I would hope my colleagues on both sides of the aisle would take a look at what we are trying to do. Why not reward a State? Why not reward a Governor, Governor Edgar from Illinois or Governor Thompson or Governor Romer, whoever it may be, if they can devise a plan to reduce the illegitimacy rate?

That is what this amendment is all about. It is straightforward.

I do not see any pitfalls described by the Senator from Wyoming or the Senator from Vermont. I hope we could defeat the amendment of the Senator from Vermont and keep this provision in the bill.

I can tell you, I will be a conferee when we ever go to conference on this. This is going to be very important. If we are serious about illegitimacy, this is an opportunity to demonstrate it. It is not partisan; not Democrat, not Republican, not conservative, not anything, as far as I know, except an honest effort to deal with a very serious problem.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Will the Senator from Kansas yield for a question?

Mr. DOLE. Yes.

Mr. GRAHAM. The Senator from Kansas yields for a question? As I read the amendment that is in the bill, it provides a bonus of 5 percent of your State grant if you reduce illegitimacy by 1 percent, and 10 percent if you reduce it by 2 percent. Is that correct?

Mr. DOLE. That is correct.

Mr. GRAHAM. Does that mean that, for instance in the District of Columbia, they would get 11 times as much actual money for the reduction of illegitimacy as would, for instance, the State of Mississippi, since they get 11 times as much block grant per poor child in the District of Columbia than in the State?

Mr. DOLE. I would have to check that. I am talking about principle. You are talking about formula.

Mr. GRAHAM. The principle? If the goal is to accomplish the objective, why could it not have been stated in an absolute amount as opposed to a percentage of a block grant, which is very different from State to State?

Mr. DOLE. We might entertain a modification if the Senator has one.

Mr. GRAHAM. Is there a policy reason why the State has a percent of a block grant as opposed to an absolute number?

Mr. DOLE. I think it is going to be more difficult to administer, too, if you make it absolute. But I want to stick to the principle. Maybe the Senator has an idea. He can offer an amendment later on. But in my view, this is a very simple straightforward amendment. It is in the bill.

I do not have an answer to the Senator from Florida without checking, whether it might be a good idea or might not be a good idea. But let us vote on the amendment and then, if the Senator has some change he would like to make, I will be happy to entertain it.

Mr. KERRY. Will the Senator yield for a question?

Mr. DOLE. No, I am ready to vote.

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 now occurs on the Jeffords amendment No. 2581, up or down. This will be a 10-minute vote.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 37, nays 63, as follows:

[Rollcall Vote No. 423 Leg.]

YEAS—37

Akaka	Hatfield	Moynihan
Baucus	Hollings	Murray
Bradley	Inouye	Packwood
Breaux	Jeffords	Pell
Campbell	Johnston	Robb
Chafee	Kassebaum	Sarbanes
Cohen	Kennedy	Simon
Dodd	Kerrey	Simpson
Feingold	Kohl	Snowe
Feinstein	Lautenberg	Specter
Ford	Leahy	Wellstone
Glenn	Mikulski	
Harkin	Moseley-Braun	

NAYS—63

Abraham	Domenici	Lott
Ashcroft	Dorgan	Lugar
Bennett	Exon	Mack
Biden	Faircloth	McCain
Bingaman	Frist	McConnell
Bond	Gorton	Murkowski
Boxer	Graham	Nickles
Brown	Gramm	Nunn
Bryan	Grams	Pressler
Bumpers	Grassley	Pryor
Burns	Gregg	Reid
Byrd	Hatch	Rockefeller
Coats	Heflin	Roth
Cochran	Helms	Santorum
Conrad	Hutchison	Shelby
Coverdell	Inhofe	Smith
Craig	Kempthorne	Stevens
D'Amato	Kerry	Thomas
Daschle	Kyl	Thompson
DeWine	Levin	Thurmond
Dole	Lieberman	Warner

So the amendment (No. 2581) was rejected.

AMENDMENT NO. 2535

The PRESIDING OFFICER. Under the previous order there will now be 10 minutes of debate equally divided on the Dorgan amendment, numbered 2535, to be followed by a vote on or in relation to the amendment.

The Senator from North Dakota.

Mr. DORGAN. I thank the Chair very much.

This is amendment No. 2535. Mr. President, this amendment is a sense-of-the-Senate, modeled after the requirement in the new unfunded mandate law that we passed earlier this year. The Congressional Budget Office under this amendment that I offer on behalf of myself, Senator GLENN, and Senator GRAHAM is asked to report to the Senate prior to a vote on the conference report on the cost to the States of complying with the work requirements and any other mandate compared to the amount of money provided in the bill for complying with the requirements, and as well they are asked to give us an estimate of the number of States which would opt to pay the penalty rather than raise the additional revenue necessary to meet these requirements.

Mr. President, the reason this is necessary is the Department of Health and Human Services has estimated that the cost to the States of meeting the work requirement in this bill will exceed the funds provided in the Dole plan by about $17 billion over 7 years. So the States will be forced to either raise some taxes or cut some spending in other areas by $17 billion in order to comply with the requirements in the Dole bill.

Alternatively, they could simply abandon the work requirement. They could abandon the effort to meet these work requirement goals and they could instead pay a modest penalty—modest as compared to the $17 billion. The penalty would be about $6 billion.

The Congressional Budget Office has concluded that most States will opt to pay the penalty. In fact, the Congressional Budget Office has estimated that probably only 10 to 15 States will meet the work requirements, meaning 35 to 40 States will pay the penalty.

What does that mean? It means that we will not accomplish the central function of one of the things we want to do in this bill, and that is move people from the welfare rolls to work. This is in my judgment either then an unfunded mandate of significant quantity or it will fail in the primary objective of moving people off welfare and to a job.

The law we passed a few short months ago indicated we ought not do any of these things unless we understand what we are asking others to do in terms of unfunded mandates. This amendment is very simple. Before we vote on the conference report, let us have a report by the CBO of what kind of an unfunded mandate exists here, how many States will comply with the work requirement and what we can expect from this legislation.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 25 seconds.

Mr. DORGAN. Let me yield 1½ minutes to Senator GLENN from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank my colleague. I am glad to be a cosponsor of this amendment. What the Senator has said is that early this year we passed the unfunded mandates bill. We said no longer were we going to just throw things back on the States and say you take care of it; we are putting the requirement out there with no money. And yet that is exactly what we are doing right now in this bill.

I know the unfunded mandates bill does not kick in with all of its requirements until January 1 next year. With this bill, we are requiring States to place 50 percent of welfare recipients on the work rolls by 2002. We are requiring job training, placement, education. Work requirement will be another $1.9 billion on State governments per year, 3.3 to cover child care costs, and so on, required for the Dole bill.

I do not know how the balance comes out, where increased flexibility lets them save some money and how this balances out, but this could wind up as a giant, giant unfunded mandate on the States, and so I am very glad to support my colleague's proposal. If we are in keeping with the philosophy and principles of S. 1, the first bill that we passed this year, we should not be saddling State and local governments with these new welfare requirements without knowing exactly what we are doing.

I thank the Senator.

Mr. DOLE. Mr. President, I happen to agree with the Senator from Ohio and the Senator from North Dakota. We ought to find out what it costs, whatever impact it may have.

I am prepared to accept the amendment. I yield back my time.

Mr. DORGAN. Mr. President, I am satisfied with that. I appreciate the cooperation of the majority leader.

I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment 2535.

The amendment (No. 2535) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2589

The PRESIDING OFFICER. Under the previous order, there will be a 10-minute debate equally divided on the McCain amendment No. 2589 to be followed by a vote on or in relation to the amendment. That will be a 10-minute vote.

Mr. DOLE. Mr. President, as I understand it, we are on the McCain amendment which I believe is acceptable on both sides. So I yield back the time on this side.

The PRESIDING OFFICER. If there is no objection——

Mr. CHAFEE. Could we have a description of the McCain amendment?

Mr. DOLE. I have been advised the purpose of the amendment is to provide for child support enforcement agreements between the States and Indian tribes or tribal organizations.

It provides for child support enforcement agreements between the States and Indian tribes and tribal organizations. I think the same thing that applies to States now applies to tribal organizations. As I understand, there is no problem with the amendment.

Mr. WELLSTONE. Mr. President, I am pleased today to join Senators

MCCAIN and INOUYE as a cosponsor of an amendment that would further the goals of strengthening child support enforcement activities by encouraging State governments with Indian tribes within their borders to enter into cooperative agreements for the delivery of child support enforcement services in Indian country.

Mr. President, this amendment would give the Secretary of the Department of Health and Human Services, in specific instances, the authority to provide direct Federal funding to Indian tribes operating an approved child support enforcement plan. This approach is consistent with the government-to-government relationship between tribal governments and the Federal Government. Further, this approach to child support enforcement in Indian country is supported by the National Council of State Child Support Enforcement Administrators.

Mr. President, title IV–D of the Social Security Act was enacted to assist all children in obtaining support and moving out of poverty. Yet it has been of little assistance to Indian children residing in Indian country because under title IV–D, only States are eligible to receive Federal funds to operate title IV–D programs. The regulations implementing this act restrict States from providing services to Indian children on reservations.

State child support program administrators have attempted to meet the goals of child support enforcement by extending their efforts to Indian country, but the administrative and jurisdictional hurdles have made it all but impossible to get these services to need Indian children.

Finally, Mr. President, in 1992, the Interstate Commission of Child Support Enforcement recommended that the Congress address this problem through Federal legislation. It is time for America's neediest children to receive child support enforcement services.

AMENDMENT NO. 2589

Mr. MCCAIN. Mr. President, I thank my colleagues, Senators INOUYE, WELLSTONE, DOMENICI, and DASCHLE, for joining me in offering this important amendment. The amendment that I and my colleagues are offering today would further the goals of enforcing child support enforcement activities by encouraging, not mandating, State governments, with Indian lands within their borders, to enter into cooperative agreements with Indian tribal governments for the delivery of child support enforcement services in Indian country. The amendment provides funding to achieve these purposes within the overall spending allocated to this effort. It gives the Secretary the authority, in specific instances, to provide direct Federal funding to Indian tribes operating an approved child support enforcement plan. This approach is consistent with the government-to-government relationship between tribal governments and the Federal Government, and the other provisions contained in the Dole substitute bill.

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

Mr. President, there is a great need for child support enforcement funding and services in Indian country. There are approximately 554 federally recognized Indian tribes and Alaska Native villages in the United States. According to the most recent Bureau of the Census data, children under the age of 18 make up the largest age group of Indians. Approximately 20.5 percent of American Indians and Alaska Natives are under the age of 10 compared to 14 percent for the Nation's total population. In addition, one out of every five Indian households are headed by single females. This data reveals that the need for coordinated child support enforcement and service delivery in Indian country exceeds the need in the rest of America.

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

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

State administrators, such as in my own State, have attempted to meet the goals of uniform child support enforcement by extending their efforts to Indian Country, but the administrative and jurisdictional hurdles make it all but impossible to get these services out to the children in need.

These obstacles have led to costly litigation. For example, the 8th and 9th circuit courts have issued inconsistent rulings in addressing the ability of Indian children to access title IV–D services. A 1991 Federal court ruling summed up the problem by holding—

> . . . the State must give children of absent Indian parents the same degree of child support enforcement services as other children, when there is reasonable access to the tribal courts.

Yet, that court's ruling is inconsistent with the Department of Health and Human Services interpretation of title IV–D in which the Department significantly restricts the States. Let me remind my colleagues that States are trying to be fair in providing child support enforcement services and funding to Indians. Their ability to provide these services is quite limited because Indian tribes are not mentioned in title IV–D. This amendment would clarify that Indian children are entitled to the same protections from deadbeat dads as all other children in our country.

Mr. President, this problem is not new to those involved in State child support enforcement agencies or national organizations concerned with these issues. For instance, in 1992, the American Bar Association and the Interstate Commission of Child Support recognized the problems created by the omission of Indian tribes from IV–D legislation. In fact, the American Bar Association issued a handbook for States and tribes to use in attempting to negotiate State/Tribal cooperative agreements for child support enforcement. Also in an elaborate report issued in 1992, the Interstate Commission on Child Support Enforcement recommended that the Congress address this problem in Federal legislation. Until the amendment under consideration was offered, no legislative initiative to include Indian tribes has occurred.

More recently, I received a copy of a letter, dated May 15, 1995, from the president of the National Council of State Child Support Enforcement Administrators. The letter advises the Department of Health and Human Services that a resolution was passed by the IV–D directors that favors direct Federal funding to Indian tribes for child support services. Let me quote from a passage of the letter ''The states that are concerned about this

issue believe that the most effective way to provide comprehensive services to Native American children is for the federal government to deal directly with sovereign tribal governments.'' The amendment that I am offering will do just that.

The PRESIDING OFFICER. Without objection, if all time is yielded back, the question is on agreeing to the amendment 2589.

The amendment (No. 2589) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2525

The PRESIDING OFFICER. Under the previous order, there will now be a 10-minute debate equally divided on the Exon amendment 2525, to be followed by a vote on or in relation to the amendment.

Mr. MOYNIHAN. Mr. President, the Senator from Nebraska is on his way. He is expected to be here soon. I wonder if I could place a quorum call——

Mr. DOLE. Maybe better yet, as I understand, the Nickles amendment numbered 2556, I was advised by Senator NICKLES that had been worked out to the satisfaction of both sides.

Mr. MOYNIHAN. To my knowledge, I do not know of any objection.

Mr. BRADLEY. Mr. President, Senator NICKLES has spoken to me about this amendment and as I understand he has modified his amendment. At this moment, I do not know if he has modified it.

Mr. DOLE. Maybe we will put in a quorum call and we will find Senator NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2556, AS MODIFIED

Mr. DOLE. I now ask unanimous consent we move to consideration of 2556, the Nickles amendment, and I send a modification to the desk which has been cleared by the distinguished Senator from New Jersey [Mr. BRADLEY].

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

The amendment (No. 2556), as modified, is as follows:

Section 913, page 602 of the amendment, strike line 22 through page 603 line 5 and insert in lieu thereof the following:

''(d) CIVIL MONEY PENALTIES ON NONCOMPLYING EMPLOYERS.—The State shall have the option to set a State civil money penalty which shall be less than—

''(1) $25; or

''(2) $500 if, under State law, the failure is the result of a conspiracy between the employer and the employee to not supply the required report or to supply a false or incomplete report.''

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment 2556, as modified.

The amendment (No. 2556), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the Exon amendment 2525.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

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

AMENDMENT NO. 2525

Mr. EXON. Mr. President, I apologize to the managers of the bill. I did not mean to delay them. I stepped off the floor for the first time for 10 minutes assuming there were other measures ahead of mine. But I am now prepared to offer my amendment.

I offered this amendment last week. I made a concise statement at that time. I believe that I have 5 minutes under the unanimous-consent agreement.

Is that correct?

The PRESIDING OFFICER. Under the previous order, there is allowed 10 minutes of debate equally divided.

Mr. EXON. I thank the Chair.

AMENDMENT NO. 2525, AS MODIFIED

Mr. EXON. After introducing the amendment last week, I have a very minor addition to the amendment that was suggested by my friend and colleague, Senator SIMPSON from Wyoming, with whom I have worked on this matter for a long, long time.

I ask unanimous consent that this minor addition be announced and considered, and the amendment itself be considered at this time.

The PRESIDING OFFICER. If there is no objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 302, between lines 5 and 6, insert the following:

SEC. 506. PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO CERTAIN PERSONS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Federal benefits shall not be paid or provided to any person who is not a person lawfully present within the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following benefits:

(1) Emergency medical services under title XIX of the Social Security Act.

(2) Short-term emergency disaster relief.

(3) Assistance or benefits under the National School Lunch Act.

(4) Assistance or benefits under the Child Nutrition Act of 1966.

(5) Public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment of such disease.

(c) DEFINITIONS.—For purposes of this section:

(1) FEDERAL BENEFIT.—The term ''Federal benefit'' means—

(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, Social Security, health, disability, public housing, post-secondary education, food stamps, unemployment benefit, or any other similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States.

(2) PERSON LAWFULLY PRESENT WITHIN THE UNITED STATES.—The term ''person lawfully present within the United States'' means a person who, at the time the person applies for, receives, or attempts to receive a Federal benefit, is a United States citizen, a permanent resident alien, an alien whose deportation has been withheld under section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)), an asylee, a refugee, a parolee who has been paroled for a period of at least 1 year, a national, or a national of the United States for purposes of the immigration laws of the United States (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(d) STATE OBLIGATION.—Notwithstanding any other provision of law, a State that administers a program that provides a Federal benefit (described in section 506(c)(1)) or provides State benefits pursuant to such a program shall not be required to provide such benefits to a person who is not a person lawfully present within the United States (as defined in section 506(c)(2)) through a State agency or with appropriated funds of such State.

(e) VERIFICATION OF ELIGIBILITY.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Attorney General of the United States, after consultation with the Secretary of Health and Human Services, shall promulgate regulations requiring verification that a person applying for a Federal benefit, including a benefit described in section 506(b), is a person lawfully present within the United States and is eligible to receive such benefit. Such regulations shall, to the extent feasible, require that information requested and exchanged be similar in form and manner to information requested and exchanged under section 1137 of the Social Security Act.

(2) STATE COMPLIANCE.—Not later than 24 months after the date the regulations described in subsection (1) are adopted, a State that administers a program that provides a Federal benefit described in such subsection shall have in effect a verification system that complies with the regulations.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(f) SEVERABILITY.—If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

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

Mr. EXON. Mr. President, I will make some brief remarks on this. I believe there is strong support on this. I will be asking for the yeas and nays. And I would agree to have the yeas and nays ordered at any time that the managers of the bill think are in order.

Mr. President, last Friday I offered an amendment to the welfare reform bill which states that Federal benefits shall not be paid or provided to any person who is not lawfully present within the United States. I have introduced measures to address this problem in the past and the Senate accepted a very similar amendment in 1993 by a vote of 85 for and only 2 against, and only to see it unfortunately dropped in conference.

My amendment specifically defines who is a person lawfully present within our country. Previous prohibitions on the payment of benefits to illegal aliens have been weakened by expansive agency regulations and court decision. My amendment also provides for a number of exceptions. Illegal aliens would still be eligible for elementary and secondary education, emergency medical services, disaster relief, school lunches, child nutrition, and immunization.

Also, States would not be obligated to provide benefits to those not lawfully present in our country, and funds would be provided for States to set up systems to verify the status of the applicants. As we continue to debate welfare reform, I believe it is evidence that we must not pass up this opportunity to stop, once and for all, providing scarce Federal benefits to illegal aliens.

Mr. President, I yield the floor and reserve the balance of my time.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MOYNIHAN. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. GRAHAM. Mr. President, I would first, if I could, ask the Senator from Nebraska if he would yield for a question?

Mr. EXON. Certainly.

Mr. GRAHAM. Mr. President, I would say to the Senator, I was particularly concerned about the issue of elementary and secondary education. The Senator stated that his amendment would not deny the child of a person who was in the country illegally access to elementary and secondary education?

Mr. EXON. That is correct.

Mr. GRAHAM. Could the Senator tell me where in the amendment that was mentioned?

Mr. EXON. It may well be that the Senator from Florida did not understand. That was incorporated in the amendment and was suggested as an exception by the Senator from Wyoming. And I think it satisfies the concerns of the Senator from Florida. It is in the amendment on which we are now discussing and on which we will vote. If you are talking about the amendment that I offered last Friday, it is not in there. But it is in the amendment that we will be voting on.

Mr. GRAHAM. Mr. President, the answer to that question allayed one of my principal concerns about this amendment, because in the original form, the form that was at the desk, there was no recognition of the children of persons who were in the country illegally in terms of their participation in elementary and secondary education.

In fact, there was a provision which would have allowed the States to have terminated educational assistance to those children as well as the Federal Government terminating whatever assistance it provides. With that modification, I will reserve final judgment as to how I will vote on this amendment. But I would like to raise the fundamental issue, the Federal Government has the total constitutional responsibility for the enforcement of our borders, and for our immigration and naturalization law. It is written almost in those terms in article 1 of the U.S. Constitution. The States have no authority in either of those two areas.

Second, when the Federal Government fails to carry out its responsibility and to enforce the borders, it is the States and the local communities who have the principal obligations and consequences of that failure.

Third, those consequences are heavily focused in about six States. Six States have over 80 percent of those persons who are in the country illegally living within their borders.

So, fourth, the consequence of this legislation is to say the Federal Government failed to carry out its exclusive constitutional responsibility: To protect the borders and enforce the immigration laws, allow large numbers——

The PRESIDING OFFICER (Mr. COVERDELL). The Senator's time has expired.

Mr. GRAHAM. Mr. President, I ask the manager for 1 additional minute.

Mr. EXON. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes 57 seconds remaining.

Mr. SIMPSON. May I inquire whether I may receive 30 seconds from the Senator from Nebraska?

Mr. EXON. I yield 30 seconds to my colleague from Wyoming.

Mr. SIMPSON. I do not want to interrupt the Senator from Florida.

Mr. EXON. I yield to the Senator from Wyoming when he gets the floor.

Mr. MOYNIHAN. Mr. President, I yield an additional minute to the Senator from Florida and 1 minute to the Senator from Massachusetts.

Mr. GRAHAM. Mr. President, to conclude, we are about to set up what I think is a very unsafe situation: The Government fails to carry out its constitutional responsibility, and for the people who are illegally in communities across America, we are saying the Federal Government is going to deny any benefits to those people, which means those communities already the most heavily impacted now, out of their resources, have to pick up those responsibilities.

As a humanitarian society, we are still going to face providing health care, delivering babies to pregnant women, and the negative aspects of operating a criminal justice system and the other requirements when that illegal population acts in ways that are antithetical to the society in which they are living.

Reserving the right to review the amendment in its final form, I raise for my colleagues the potential consequences of this amendment.

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

Mr. KENNEDY. Mr. President, I, too, want to express that Senator EXON's amendment does not include the elementary and secondary education. Under the initial amendment, there is about $225 million that goes into States, into local communities to respond to Supreme Court holdings with regard to their requirements to educate these children. But this has eliminated that.

I welcome the opportunity to work with the Senator. We have, for example, 11,000 temporary nurses that come here to work in many of our urban area hospitals. Under this requirement, their residency requirements are such that they would not be able to get nursing licenses the way this is being interpreted, which would put a severe pressure on many of the inner-city hospitals in underserved areas.

I know that is not the intention of the Senator. I welcome the opportunity as this legislative process moves forward in some of these areas that we can work through to try to not have unintended consequences that would provide a hardship rather than to achieve the objectives of the amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming for 30 seconds.

Mr. SIMPSON. Mr. President, I want to thank my friend, my colleague. Senator EXON came to the Senate when I did. His consistency on this has been clear through the years, and we have taken care of the problems brought up by Senator GRAHAM and by Senator KENNEDY.

I look forward to working with the Senator on these issues, as with Senator KENNEDY, the ranking member of the subcommittee, which I chair.

We have also taken care of in this amendment veterans issues. There will be no diminution of veterans benefits, no denial of veterans benefits to someone who may have been illegal but

served the country. So it takes care of that and takes care of the education issue.

I thank the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes remaining.

Mr. EXON. I am prepared to yield back my time to move things ahead.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. EXON. Mr. President, is there remaining time in opposition to the amendment?

The PRESIDING OFFICER. All time in opposition has been yielded back.

Mrs. HUTCHISON. Will the Senator from Nebraska yield 1 minute to me?

Mr. EXON. I will be glad to yield a minute.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise in support of the Senator's amendment because I think this is a very important part of the Federal Government's responsibility to control our borders.

I am one of the States that is affected by the illegal aliens that come across the border, and they do take not only from our State and local coffers, but from the Federal coffers as well. This is something that we must stop. I think the Senator from Nebraska has a very good amendment, and I think it should be part of an overall illegal immigration reform measure that the Senator from Wyoming and the Senator from California, Senator FEINSTEIN, are working on. But until that time, it is very important that we speak in this welfare reform bill to the cost of illegal aliens.

So I appreciate what the Senator from Nebraska has done, and I support his amendment.

Mr. EXON. Mr. President, I thank the Senator from Texas very much for the kind statement and support. Since no one is seeking time, I yield back the remainder of my time, and the yeas and nays have already been granted.

The PRESIDING OFFICER. The question now occurs on agreeing to the Exon amendment No. 2525, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 424 Leg.]

YEAS—94

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

NAYS—6

Brown	Gregg	Simon
Grams	Murkowski	Thompson

So the amendment (No. 2525), as modified, was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, the Democratic leader asked me to institute a quorum call, which I did, but I think we have an amendment of the Senator from California, Senator FEINSTEIN, which can be accepted. We will be prepared to do that.

Then the amendment of the Senator from North Dakota was set aside. Apparently he is prepared to proceed on that. It is part of our list, so I think it will be appropriate to do that. So I will work to clear it with Senator DASCHLE.

Mrs. FEINSTEIN. That is correct.

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

AMENDMENT NO. 2470

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2470.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 2470.

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

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

(The text of the amendment is printed in the Friday, September 8, 1995, edition of the RECORD.)

Mrs. FEINSTEIN. Mr. President, I believe this amendment has been cleared on both sides. What the amendment does is require procedures for a child support order for the child of minor parents, where the mother is receiving assistance for the child, to be enforceable against the paternal grandparents of the child.

For just a moment—what the Dole bill does is require a minor mother and her child to live at home with her parents, so the maternal parents are responsible. What my amendment would do is say, where it is possible, a child support order should be obtained against the parents of the male involved. It takes two to tango in this instance, and the responsibility for the care of the child should not only belong to the maternal grandparents but the paternal as well.

So this solves the other half of the problem.

Mr. DOLE. Mr. President, we have no problem with the amendment. It has been cleared on this side.

Mr. MOYNIHAN. It has been cleared on this side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2470) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Are there any other amendments that have been cleared? I think the Senator from Massachusetts has one or two minor amendments that I do not see any problem with.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I had amendment No. 2483, which I thought might have been cleared by now. I will be prepared to offer that if it has been cleared.

Mr. DOLE. I say to the Senator from New Mexico, if he will let me check that—what is the number?

Mr. BINGAMAN. Amendment No. 2483. I believe that is going to be acceptable. If it is, I am ready to offer it at any time.

Mr. DOLE. Let me check and I will be right back with the Senator.

I think the Senator from Massachusetts has two amendments.

Mr. KERRY addressed the Chair.

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

EN BLOC AMENDMENTS NOS. 2662 AND 2664

Mr. KERRY. I thank the Chair. We are just ascertaining the numbers. Mr. President, I ask amendment No. 2662 and amendment No. 2664 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], proposes amendments numbered 2662 and 2664, en bloc.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

(The texts of the amendments are printed in the Friday, September 8, 1995, edition of the RECORD.)

Mr. KERRY. Mr. President, these are two amendments which I thank the distinguished manager and majority leader and the Senator from New York for accepting.

Mr. President, as we trudge toward the rhetorical goal of ending welfare as we know it, we as a country must do better; we must embrace whole new ideas of how to accomplish this—if not now, at least in the future—primarily by investing in impoverished children and secondarily by providing a safety net for their parents. The guiding principle of our new system should be to summon the very best effort this country can mount to enable children who are victims of poverty to become self-sufficient adults capable of contributing to our society in a positive way and leading happy, fulfilling lives.

Dependency—whether it be on the foster care system when a person is a child, or on Government institutions such as the welfare or criminal justice systems if a person is an adult, or on drugs at any age—is a tragic waste of human potential and imposes costs we as a nation need not suffer and cannot afford to pay.

In many ways, welfare works—it is perhaps the cheapest means of getting the bare minimum of resources to the neediest slice of the American public; but in critical ways, it does not—it can perpetuate dependency rather than inculcate self-sufficiency. At the very least, by itself, it does not promote movement toward self-sufficiency.

The way to make the most of the current welfare reform movement is—without ignoring the good welfare may have done over the years—to design our priorities and construct a better system able to meet the minimal needs of today's recipients while doing everything possible to ensure that children on welfare don't become adults on welfare and that adults on welfare move whenever possible toward self-sufficiency.

The focal points for any effort to replace welfare with an intervention program which targets children must be our Nation's schools. There is a vital role that schools must play that they can't play without greater resources, voluntarism, and attention.

In cities beset by crime and violence, and in rural areas with little to inspire or occupy children, the neighborhood public school must become a beacon—a warm, safe haven of learning, of values, of friendship, of intellectual growth.

No school in such areas should shut its doors at 3 p.m. and stop its contribution to children's and parents' lives.

Case in point is teenage mothers, especially those who fail to avoid having children because they see no worthwhile future that awaits them if they avoid having children.

We must invest in efforts to educate these children about the costs and realities of parenthood, and we must invest in education programs that provide real futures for school-age pregnant girls and new mothers and, where they can be identified, new fathers.

We must think in the longterm, and understand that money dedicated to ending welfare dependency by investing in children will not only save money in the long run, it will help save this country.

We are throwing away our future by ignoring the children of this country. One day all who can read this article will be senior citizens, fully dependent on the babies we neglect today. So will be our Nation and its future.

If we fail to meet the needs of these children, not only will we fail to maintain this country's status as leader of the democratic world to which we have contributed so much, but we will devolve into a country consumed by crime and poverty the likes of which this Nation cannot imagine.

We have already fallen deeper into crime than our parents would have ever dreamed. It will not matter that parents have raised their own children well if they raise them so they are alone in that distinction. Without concerted, collective effort, even children raised with love and concern—whether in low income or high income families—will not be safe and secure.

We have already lost a frightening number of a complete generation of children to unambitious welfare programs, inadequate schooling, and societal neglect. Nothing less than the survival of our Nation depends on our collective assumption of our responsibility of this Nation's young.

Parents, schools, communities, and the Government need to become immersed in the development and enculturalization of children.

I believe we need to face the reality that this welfare debate is part of a much larger debate that we will be forced to have in this country in the not-too-distant future. It is a debate that speaks to the soul of America, and ultimately will have to come from our hearts as well as from our heads. It is a debate about not only solving our fiscal deficit, but also about addressing the cultural and spiritual deficits that seem to be tearing at the fabric of our society.

It is about a welfare mother who can't read and a system that doesn't care. It is about a teenager with a child she cannot care for and a community that will not help. It is about what we ultimately decide is the legitimate cost of failing to care, and about what we are willing to invest in the effort to manifest the care we claim.

We need to address the basic philosophical issue of responsibility to each other as a community of people.

The battle is over how we do this. How do we stop children from having children? How do we solve the problem of mothers who cannot work because they have no daycare for their children and no extended family able to help them? What do we do about young teenagers growing up in increasingly violent neighborhoods—kids with diminished valves and an increasingly diminished sense of right and wrong? We are seeing the rise of a generation of Americans who think there's more power in the barrel of a gun than in the memory of a computer.

The true question is how do we prepare for a better future in this Nation? The answer, I believe, is to invest in people and to seek long-term solutions to welfare problems to improve our collective future rather than succumb to simple-sounding, quick fixes that carry tremendous unseen burdens for our future.

But, Mr. President, the bill we have before us simply does not do what needs to be done.

I offer two amendments today that invest in children, education, and families, reaching toward the objective that no one will be isolated from the mainstream of productive society.

Mr. President, it is well-established that some children of welfare dependent parents are subjected to inadequate care, supervision, and parental love and attention, to unsafe environments and undesirable influences. It should come as no surprise that many of these children fail to develop into responsible, self-sufficient adults who are contributing members of society. Too often welfare becomes a repetitive cycle extending over multiple generations rather than a temporary situation.

Part of the answer to breaking this pathological cycle is to require parents seeking welfare to take an active role in the supervision, education, and care of their children. Another part is to make better and more efficient use of existing public resources and investments for the benefit of at-risk children. Notable among those resources and investments are our public school facilities.

While I do not believe it is possible for our Nation to successfully and acceptably resolve our current welfare problems wholly without further public investment, neither of these two partial answer to those problems entails significant additional cost.

We cannot afford to neglect children when we know full well that improving their surroundings helps prevent their long-term dependence on government aid. All the nations with which we are competing in the new global marketplace are acting in recognition of that fact—except us. We must boldly pursue the long-term benefits promised by concerted efforts to make maximum use of our schools and educational facilities, and by insisting that all welfare recipient parents accept basic parental responsibilities—that many of them routinely perform admirably under difficult circumstances but some appear to ignore.

My amendments would move in these directions.

My first amendment would provide funds for demonstration projects so keep schools that serve at-risk children open for more hours and to initiate

new programs so that schools can offer an alternative to the street for our Nation's unsupervised youth. This companion program would complement the Community Schools Program.

My second amendment would require parents to sign a parental responsibility contract that would demand, in exchange for benefits, that parents take an active role in the supervision and education of their children.

Mr. President, these two amendments are only first steps. But they are steps in the right direction: toward the brighter future of this Nation.

Mr. DOLE. Mr. President, I have no objection to the amendments.

Mr. MOYNIHAN. There is no objection on this side. To the contrary.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the en bloc amendments.

The en bloc amendments (Nos. 2662 and 2664) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KERRY. I thank the majority leader and thank the Senator from New York.

Mr. DOLE. As I understand it, the Senator from California has a demonstration amendment.

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

AMENDMENT NO. 2479

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 2479.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 2479.

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

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

(The text of the amendment is printed in the Friday, September 8, 1995, edition of the RECORD.)

Mrs. FEINSTEIN. Mr. President, what this amendment does is essentially assures that, in those large counties or groups of counties with a population greater than 500,000, that there be provision, with permission of the State—this is the modification in the amendment—that the money, the block grant, go directly to the county. So we have modified the amendment from its original presentation. My understanding is that it is agreeable to both sides.

The purpose of the amendment is, really, so many of the innovative demonstration projects that are initiated by counties, which I pointed out in my opening remarks on this amendment, can go ahead without an additional element of bureaucracy.

Again, the State would have to approve this, but for those counties that do their own administration, this would continue to be the case.

Mr. DOLE. Has the modification been sent to the desk?

The PRESIDING OFFICER. The Chair reports the modification does not appear to be at the desk.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent the amendment of the Senator from California be temporarily laid aside so I can make a unanimous-consent request and have my amendment considered. It has been cleared.

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

AMENDMENT NO. 2486, AS MODIFIED

Mr. LEVIN. Mr. President, I now ask unanimous consent that a modification to my amendment, No. 2486, be sent to the desk and be in order.

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

The amendment (No. 2486), as modified, is as follows:

On page 12, between lines 22 and 23, insert the following:

(G) COMMUNITY SERVICE.—Not later than 3 years after the date of the enactment of this Act, consistent with the exception provided in section 404(d), require participation by, and offer to, unless the State opts out of this provision by notifying the Secretary, a parent or caretaker receiving assistance under the program, after receiving such assistance for 6 months—

(i) is not exempt from work requirements; and

(ii) is not engaged in work as determined under section 404(c),

in community service employment, with minimum hours per week and tasks to be determined by the State.

Mr. DOLE. As I understand, the amendment, as modified, is acceptable on this side.

Is that correct?

Mr. MOYNIHAN. It most assuredly is on our side.

Mr. LEVIN. Mr. President, if I could spend 30 seconds, I have long believed that work requirements should be clear, strong, and applied promptly. For too long we have permitted welfare dependency to undermine the potential productivity of too many able-bodied Americans. We have allowed too many able-bodied welfare recipients not to work. That is wrong.

The amendment which I am offering would add a requirement that welfare recipients be in job training and school or working in private sector jobs within 6 months of receipt of benefits, and if private sector jobs could not be found they be required to perform some type of community service employment. The requirement would be phased in over 3 years to allow States the chance to adjust administratively. We have added in this modification a opt-out provision for States by notification of the Secretary of Health and Human Services, and also to make clear the intent to conform to the modifications which Senator DOLE made to his amendment No. 2280 last week.

The bill before us requires recipients to work within no more than 2 years of receipt of benefits. Why wait that long? Why wait 2 years? Unless an able-bodied person is in school or job training, why wait longer than 6 months to require that a person have a private job or be performing community service?

My amendment says 6 months instead of 2 years.

There is no doubt that there is a great need in local communities across the country for community service workers. Last year, the demand for community service workers from the President's AmeriCorps Program was far greater than the ability to fund them. According to AmeriCorps, of the 538 project applications requesting approximately 60,000 workers, only applications for about 20,000 workers could be funded. Projects ranged from environmental cleanup, to assisting in day care centers, to home health care aides. It is clear that there is no shortage of need for workers in community service.

The Daschle amendment which was narrowly defeated last week contained a similar provision which was added as a modification at my request. It would require that recipients work in community service employment if not employed in the private sector, engaged in job training or in school, and it would require that States offer the community service option to such recipients.

Mr. President, I have long been concerned about the cycle of dependency and the need to return welfare recipients to work. As long as 14 years ago, in 1981, I was the author, along with Senator DOLE, of legislation which was enacted into law that put some welfare recipients back to work as home health care aides, thereby decreasing the welfare rolls and increasing the local tax base.

This demonstration project called for the training and placement of AFDC recipients as home care aides to Medicaid recipients as a long-term care alternative to institutional care, and was subject to rigorous evaluation in both the demonstration and post-demonstration periods.

The independently conducted program evaluation found that during six of the seven demonstration projects, trainees' total monthly earnings increased by 56 percent to more than 130 percent. Evaluations in following years indicated similarly positive and significant income effects. Consistent with the increase in employment, trainees also received reduced public benefits. All seven States moved a significant proportion of trainees off of AFDC. In

four of the States, a significant proportion of the trainees also were moved off of the Food Stamp Program or received significantly reduced benefit amounts.

Additionally, the program evaluation indicated that it significantly increased the amount of formal in-home care received by Medicaid clients and had significant beneficial effects on client health and functioning. The evaluation also indicated that clients benefited from marginally reduced costs for the services they received.

As the 1986 evaluation shows, this type of demonstration had great potential in allowing local governments to respond to priority needs and assist members of their community in obtaining the training necessary to obtain practical, meaningful private sector employment and become productive, self-sufficient members of their community.

Mr. President, I want to highlight a particularly wise provision in Senator DOLE's bill. It is a provision which states that any recipient may be treated as participating in community service employment if that person provides child care services to other individuals participating in the community service program. This is a good idea. It opens a way for many able-bodied persons currently on welfare, to provide a service to others, meet work requirements, and, at the same time, free others to work who may otherwise have difficulty locating affordable child care. I hope that many States will vigorously exercise this provision and that recipients will heed the encouragement to provide child care services as a way of engaging in community service employment.

Mr. President, I am hopeful that in the 104th Congress, we will take the necessary steps to get people off welfare and working, in the private sector, if possible, but in community service, if necessary. Experience has shown we must be more aggressive in requiring recipients to work. I believe my amendment is a firm step in the right direction.

Mr. President, I thank Senator MOYNIHAN and Senator DOLE and their staff for working with us on this.

Mr. MOYNIHAN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2486), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I think they are working out a modification on the amendment of the Senator from California, Senator FEINSTEIN. I understand there are four or five amendments that will be cleared here momentarily.

I would like to indicate that I will consult with the Democratic leader and hopefully have a cloture vote here within the next hour. I do not think we are going to reach an agreement. And we are not going to pass the bill if we have to accommodate every request from the other side.

So I am prepared to have a cloture vote. If we do not get cloture, this bill will go into reconciliation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, I see the Senator from California has risen.

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

AMENDMENT NO. 2479, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I send a modification to amendment No. 2479 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2479), as modified, is as follows:

On page 69, strike lines 18 through 22, and insert the following:

"SEC. 413. STATE AND COUNTY DEMONSTRATION PROGRAMS.

"(a) NO LIMITATION OF STATE DEMONSTRATION PROJECTS.—Nothing in this part shall be construed as limiting a State's ability to conduct demonstration projects for the purpose of identifying innovative or effective program designs in 1 or more political subdivisions of the State providing that such State contains more than one country with a population of greater than 500,000.

"(b) COUNTY WELFARE DEMONSTRATION PROJECT.—

"(1) IN GENERAL.—The Secretary of Health and Human Services and the Secretary of Agriculture shall jointly enter into negotiations with all counties having a population greater than 500,000 desiring to conduct a demonstration project described in paragraph (2) for the purpose of establishing appropriate rules to govern the establishment and operation of such project.

"(2) DEMONSTRATION PROJECT DESCRIBED.—The demonstration project described in this paragraph shall provide that—

"(A) a county participating in the demonstration project shall have the authority and duty to administer the operation of the program described under this part as if the county were considered a State for the purpose of this part;

"(B) the State in which the county participating in the demonstration project is located shall pass through directly to the county the portion of the grant received by the State under section 403 which the State determines is attributable to the residents of such county; and

"(C) the duration of the project shall be for 5 years.

"(3) COMMENCEMENT OF PROJECT.—After the conclusion of the negotiations described in paragraph (2), the Secretary of Health and Human Services and the Secretary of Agriculture may authorize a county to conduct the demonstration project described in paragraph (2) in accordance with the rules established during the negotiations.

"(4) REPORT.—Not later then 6 months after the termination of a demonstration project operated under this subsection, the Secretary of Health and Human Services and the Secretary of Agriculture shall submit to the Congress a report that includes—

"(A) a description of the demonstration project;

"(B) the rules negotiated with respect to the project; and

"(C) the innovations (if any) that the county was able to initiate under the project.

"(5) eligible countries are defined as:

"(A) a county that is already administering the welfare program under this part;

"(B) represents less than 25% of the State's total welfare caseload."

Mrs. FEINSTEIN. I believe, Mr. President, that these modifications have been cleared, and are as I reported earlier.

Mr. MOYNIHAN. I believe that is the case on our side, Mr. President.

Mr. DOLE. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2479), as modified, was agreed to.

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

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I thank the Chair.

Mr. DOLE. Mr. President, in an effort to protect the rights of the Senator from North Dakota [Mr. CONRAD], I ask unanimous consent that in the event of a cloture vote, if cloture was invoked, his amendment would still be in order under the same conditions, the same time limit as previously ordered.

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

Mr. CONRAD. Mr. President, I thank the majority leader for his usual gracious consideration.

I thank the Chair. I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

AMENDMENTS NOS. 2578, 2481, 2670; 2542, AS MODIFIED; 2551, AS MODIFIED; 2601, AS MODIFIED; 2507, AS MODIFIED; AND 2280, AS FURTHER MODIFIED

Mr. DOLE. I ask unanimous consent that the Senate now proceed to the following amendments en bloc, that the

amendments be considered modified where noted with modifications, which I will send to the desk at the appropriate time: D'Amato No. 2578, Feingold No. 2481, Kerrey of Nebraska No. 2670, modified McCain 2542, modified Kohl 2551, modified Faircloth 2601, modified Wellstone No. 2507.

And then finally a further modification to amendment No. 2280.

I send the modifications to the desk.

The amendments (Nos. 2542, 2551, 2601, 2507) as modified, are as follows:

AMENDMENT NO. 2542

On page 216, line 4, strike ''6 months'' and insert ''1 year''.

AMENDMENT NO. 2551

On page 158, between lines 14 and 15, insert the following:

SEC. 801. DECLARATION OF POLICY.

Section 2 of the Food Stamp Act of 1977 (7 U.S.C. 2011) is amended by adding at the end the following: ''Congress intends that the food stamp program support the employment focus and family strengthening mission of public welfare and welfare replacement programs by—

''(1) facilitating the transition of low-income families and households from economic dependency to economic self-sufficiency through work;

''(2) promoting employment as the primary means of income support for economically dependent families and households and reducing the barriers to employment of economically dependent families and households; and

''(3) maintaining and strengthening healthy family functioning and family life.''.

On page 189, between lines 17 and 18, insert the following:

(d) ADDITIONAL MATCHING FUNDS.—Section 16(h)(2) of the Act (7 U.S.C. 2025(h)(2)) is amended by inserting before the period at the end the following: '', including the costs for case management and casework to facilitate the transition from economic dependency to self-sufficiency through work''.

On page 189, line 18, strike ''(d)'' and insert ''(e)''.

AMENDMENT NO. 2601

On page 190, between lines 17 and 18, insert the following:

''(2) RULES AND PROCEDURES.—If a disqualification is imposed under paragraph (1) for a failure of an individual to perform an action required under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the State agency may use the rules and procedures that apply under part A of title IV of the Act to impose the same disqualification under the food stamp program.

On page 190, line 18, strike ''(2)'' and insert ''(3)''.

On page 202, line 15, strike the closing quotation marks and the following period.

On page 202, between lines 15 and 16, insert the following:

''(3) RULES AND PROCEDURES.—If the allotment of a household is reduced under this subsection for a failure to perform an action required under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the State agency may use the rules and procedures that apply under part A of title IV of the Act to reduce the allotment under the food stamp program.''.

AMENDMENT NO. 2507

On page 161, strike lines 8 through 12 and insert the following:

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

Beginning on page 161, strike line 24 and all that follows through page 162, line 3, and insert the following:

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

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

The modification to the amendment (No. 2280, as further modified) is as follows:

Add the following to the end of subsection (D): '', state funds expended for the Medicaid program under title XIX of this Act or any successor to such program, and any state funds which are used to match federal funds or are expended as a condition of receiving federal funds under federal programs other than under title I of this Act.''

Mr. DOLE. Further, that the amendments be considered agreed to and that any statements relating to them be placed at the appropriate place in the RECORD.

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

So the amendments (Nos. 2578, 2481, 2670, 2542, as modified; 2551, as modified; 2601, as modified; and 2507, as modified) were agreed to.

Mr. DOLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2507

CERTAIN LIHEAP EXPENSES SHOULD BE EXCLUDED FROM INCOME

Mr. WELLSTONE. Mr. President, the amendment I am offering today is designed to address a potentially serious oversight in the majority leader's version of the welfare reform bill which must be clarified. The Dole substitute would repeal the longstanding provision in the current Federal food stamp law which excludes from income measurements any regular Low-Income Energy Assistance Program benefits provided by State and Federal energy assistance programs, such as monthly utility payments. LIHEAP is the major Federal fuel subsidy program, which has in my State been a cold-weather lifeline for vulnerable unemployed people, the elderly, and children for many years.

As many of my colleagues know, Minnesota is often called the icebox of the Nation, where bitterly cold weather is the norm. In fact, Minnesota is the third coldest State, in terms of heating degree days, in the country, after Alaska and North Dakota. Especially in cold-weather States like Minnesota, funding for LIHEAP is critical to families with children and vulnerable low-income elderly persons, who without it could be forced to choose between food and heat. The LIHEAP program assists approximately 110,000 households in Minnesota, and provides an average energy assistance benefit of about $360 per heating season.

In the frenzy of getting this bill modified in the final days before it hit the floor, as was often the case with many of these so-called reforms, the net may have unintentionally been cast too widely. That is why some have urged that this repeal be corrected and clarified to ensure that it would only apply to regular energy assistance payments for heating and cooling, such as monthly utility payments, and not to the types of emergency furnace repair or replacement payments, or weatherization, or other similar payments, that are provided to many low-income Americans through State and Federal energy assistance programs.

My amendment will do just that. It explicitly excludes energy assistance payments for things like emergency furnace repairs and replacement, and weatherization expenses, from being counted as income for purposes of calculating eligibility for food stamp benefits. Unsafe and inoperative heating systems can pose serious problems, including fires, monoxide poisoning, and other life-threatening hazards. This amendment is designed in part to prevent people in my State, and across the country, from being forced to choose between eating, and heating, when their furnace breaks down or their home needs to be weatherized to protect them from severe cold. It is designed to allow them to make their homes safe and habitable, and protect their families from the cold, when faced with these immediate and urgent needs. Of necessity, my State has a strong and vital weatherization program, though efforts to slash LIHEAP funding over the years have required them to scale back substantially the services they can provide and the numbers of Minnesotans they can serve. Vastly more people in my State are eligible for LIHEAP than can be served in any given year. And these are very low-income people, including many seniors on fixed incomes. More than two-thirds of LIHEAP households have annual incomes less than $8,000; more than one-half have incomes below $6,000. Further, the average LIHEAP recipients spend 18.4 percent of their income on energy, compared with 6.7 percent for all households.

While there are other provisions of the Food Stamp Act which could be construed to exclude lump sum payments for things like emergency furnace repairs and replacement, and weatherization, I wanted to make certain that an explicit exclusion was contained in this bill for these kinds of expenses, to avoid any potential confusion or ambiguity on this matter down the road. I appreciate the support of Senator FEINGOLD, and his work on this amendment, and I am grateful that my colleagues from Indiana and Vermont are willing to accept the amendment.

Very simply, then, my amendment makes explicit an exclusion for certain State and Federal energy assistance payments, including those made to repair or replace broken furnaces, or to

weatherize homes by weatherstripping leaky windows and doors, by installing insulation, or by taking other steps as necessary to protect families from the cold. By excluding from income measurement all such one-time repair or weatherization payments, as distinguished from regular, ongoing LIHEAP utility payments, from the calculation of eligibility for food stamp benefits, of course I do not intend to have counted as income assistance payments made in situations where a family's furnace may need repair more than once in a winter, or may need certain types of weatherization more than once in a year. It is basically to exclude from income calculation energy assistance payments or allowances that are occasional and urgent, like a furnace repair, not those which are regular and ongoing, like a regular LIHEAP subsidy.

It is very simple, and will ensure that families are not, by a quirk of the bureaucratic rules, forced off the food stamp rolls because their furnace explodes, or goes off in the middle of a dark, cold night, and they replace it with help from LIHEAP. This amendment will prevent this bizarre result. When it is 30 degrees below zero, Mr. President—not uncommon in my State—that is a real emergency. And it must be dealt with immediately. We should make sure we do not build into the system disincentives for people to get furnaces fixed in a crisis, or incentives for elderly people or parents to risk themselves and their families in dangerous situations with unventilated space heaters or other hazards, simply because they are unable to afford, for example, modest furnace repairs.

As my colleagues from cold-weather States know, furnace repair and replacement can be very expensive, often costing several thousand dollars. This large and unexpected expense should not knock otherwise eligible families off the food stamp rolls simply because they need help for LIHEAP. We do not want to have people heating their kitchens with their stoves, or with leaky and dangerous kerosene space heaters, or with charcoal grills—all of which is done—because they could not afford to get their heat turned back on, or their furnace repaired or replaced, in the face of bitter cold weather. Each winter we read in the papers of people who die in such tragic situations. We must do all we can to ensure that does not happen, and this amendment takes another step in that direction.

Finally, let me say that I am still very concerned about the impact of the general provision in this bill, which repeals altogether the exclusion for ongoing, regular LIHEAP fuel subsidies for food stamp calculations, on thousands of people in my State. In Minnesota, LIHEAP does not even come close to paying the average $1,800–$2,000 costs of heating a home in the winter; people are still carrying most of these costs. But this particular amendment is crafted more narrowly, to meet the objections of those who insist that the general LIHEAP exclusion for food stamps be repealed outright. It is designed to make explicit an exclusion for that narrow category of energy assistance payments that are for the purposes I have described. I believe it is a real improvement to the bill, and I urge its adoption.

Mr. FEINGOLD. Mr. President, I am pleased that this amendment offered by my colleague from Minnesota [Mr. WELLSTONE] is being accepted, and am proud to join him as an original cosponsor. I believe that this amendment clarifies the bill to specifically exclude one-time capital improvement payments for home weatherization or repair or replacement of unsafe and inoperative heating and cooling equipment from counting as income when figuring food stamp benefits.

Under the Dole proposal as originally drafted there may have been ambiguity as to whether LIHEAP moneys received by individuals for one-time capital improvements count as income when figuring food stamp benefits. With this amendment, it is clear that this bill does not intend to affect such payments. LIHEAP is perhaps best known as the program that assists eligible individuals by subsidizing a portion of the costs of their home utility bills. However, as many in this body whose States have active LIHEAP programs are aware, LIHEAP moneys are also used by States, such as my home State of Wisconsin, in emergency situations to purchase new home heating and cooling devices and to weatherize homes.

My State is involved in two capital improvement programs funded by LIHEAP. Participants in these two programs would have been dramatically affected by the underlying bill if it were not amended. About $5.9 million of the LIHEAP grant funds received by my State of Wisconsin, about 15 percent of the total received, are combined with State funds and other Federal funds from the Department of Energy's weatherization program into a pool to conduct audits of eligible homes for one-time weatherization improvements, such as window replacement and weather stripping. At the same time these home weatherization audits are being undertaken, the State might also act to replace or repair a furnace which is found to be in disrepair. In fiscal year 1994, the last full year for which data are available, 5,800 homes were audited in Wisconsin, and of those 1,600 had their heating systems replaced.

In addition, the LIHEAP program in my State keeps $1 million in reserve, which it matches with oil overcharge funds, to conduct emergency activities in homes that it has not audited under its more routine audit program. In fiscal year 1994, 1,440 dangerous or inoperative furnaces were repaired or replaced on an emergency basis. This past summer, Mr. President, it was this program that responded to the blistering heat in the upper Midwest that claimed the lives of so many this summer.

This amendment is very simple, and I believe it makes a substantive improvement in the underlying proposal. Someone should not become ineligible for food stamps in a given program year, Mr. President, because their furnace breaks and the price of a new furnace, paid for by the LIHEAP program, would push them out of the eligible income bracket. Furnaces are extremely costly purchases for anyone, Mr. President. Even an average middle class Wisconsin family would have to budget in order to afford to replace one. Last year, the average cost of a new furnace provided by the LIHEAP program was $2,000. This expense could bump people on the margins out of the program, while their living standard, except for the fact that they may have averted both a house fire and personal injury by replacing their furnace, does not change at all.

I joined with my colleague from Minnesota because I am concerned that the counting of one-time LIHEAP payments as income may create a disincentive among food stamp recipients to undertake needed emergency repair activities. Some have argued throughout the debate on welfare reform that individuals receiving food stamp, AFDC, and other benefits make behavioral decisions that affect their benefit level. By their nature, Mr. President, these capital improvements are often unplanned and unpredictable. Every Senator in this body should be sensitive to the fact that sometimes the furnace just stops working, and these families, as hard as they might be working and trying to comply with the program as proposed, simply would not have the extra funds on hand to cover the repair. We should be very mindful of that fact that as individuals begin to move from welfare to work, as proposed by the measure before us, they are generating the primary support for them and their families—not savings. Without LIHEAP support there may be no other source of funds to act in these emergency situations.

While I am concerned about including LIHEAP utility bill subsidies as additions to income, I understand that excluding these rate subsidy payments would be a very controversial proposal. In my State, as in many others, LIHEAP never pays the whole heating bill. The amount of the bill paid ranges from 18.5 to 72 percent of the total, the individual always has the responsibility to pay a portion of the bill. Because they pay a portion, recipients are encouraged to conserve and to maintain a responsible payment schedule. As it is, Mr. President, in my home State of Wisconsin, the average LIHEAP household heating fuel cost is 10.6 percent of the recipient's total income, and after receiving assistance it is 5.7 percent of income; the average Wisconsin citizen's household heating fuel cost is 2.6 percent of their income.

To address the concerns that some have about the LIHEAP utility bill subsidy, however, this amendment is narrowly crafted to just address the issue of one-time LIHEAP payments. I believe that for safety reasons this amendment is also justified. As my colleagues know, old furnaces are extremely dangerous, as are the alternatives, such as space heaters. In crisis situations, my State LIHEAP program informs me, individuals resort to a whole host of heating techniques, including using charcoal grills indoors and relying on an electric or gas stove as a primary heat source. Despite the fact that this is 1995, Mr. President, 4 percent of Wisconsin LIHEAP program homes, or 5,720 households, are still wood heated, and 10 percent are trailer housing dependent upon propane tanks for their heat, another 14,300 households. Additionally, there is the concern of in-home carbon monoxide poisoning which, according to an article in the New York Times on May 14, 1995, sends 5,000 people each year to the emergency room with nonfatal illnesses and claims the lives of 250 people annually.

I think, Mr. President, that just as some in this body believe it would be a failed reform of the welfare system to continue to encourage people on the margins to engage in certain behaviors to increase their benefits, it would also be a failed reform if we were to encourage unsafe behavior by individuals for fear of losing benefits. This amendment avoids the classic heat or eat dilemma by clarifying that the Senate does not intend for one-time energy improvement payments to count as income, and I am pleased that it will be added to the underlying measure.

Mr. DOLE. Mr. President, I think we have made a lot of progress in the last hour, hour and a half. We have taken a lot of amendments, and I think right now I understand some of our colleagues are negotiating certain aspects of the bill. It is my understanding the Democratic leader would like to have us at this point have a quorum call so we would not be engaged in any—unless somebody wished to speak. We do not want any rollcall votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. I ask unanimous consent that the two amendments that were laid aside yesterday, the Faircloth amendment No. 2608 and the Daschle amendment No. 2672, be considered in order postcloture under the same restraints as previously agreed to.

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

Mr. MOYNIHAN. I thank the Chair. I suggest the absence of a quorum.

Mr. President, may I say we do not anticipate votes between now and 2 o'clock.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 5 minutes.

MEDICARE

Mr. DORGAN. Mr. President, the minority leader, Senator DASCHLE, and myself and some others held a press conference this morning to talk about Medicare and the plan that is to be unveiled by Speaker GINGRICH, Senator DOLE, and others to cut spending on Medicare. It was interesting, at the press conference the first question that was asked after a presentation was by a reporter, who said to Congressman GEPHARDT: ''Speaker GINGRICH just indicated today in his remarks that you lied; he, on three occasions, said you, Congressman GEPHARDT, lied about a portion of the Medicare debate.''

I thought to myself when the reporter asked that question, it is an interesting technique, again, to see if maybe the story for the next day will be about someone calling someone else a liar in their response, as opposed to the issue of what is going to happen with respect to Medicare. That is what most of us are concerned about. These debates should never be about the question of lying; the debate ought to be about truth. And the issue of truth and the question of Medicare is a very simple proposition.

I am going to offer on the next bill that comes to the floor of the Senate, which will be the appropriations bill on Commerce, State, Justice, a sense-of-the-Senate resolution. It is going to be very simple. I do not happen to think, by the way, we ought to have a tax cut proposal on the floor of the Senate at this point because I think until we get the budget balanced in this country, we ought not to be talking about tax cuts. But it is going to say if the majority party brings a tax cut to the floor of the Senate, that they limit that tax cut to those earning $100,000 or less, and use the savings from that—as opposed to the current proposal, which will give the bulk of the benefits to the most affluent in America—use the savings from that to reduce the proposed cuts in Medicare.

I want to ask people to vote on that because I think the question is, is it not a fact, no matter how much you try to tiptoe, dance, dodge, or weave, that the $270 billion proposed cuts in Medicare are designed in order to try to accommodate and accomplish a $245 billion tax cut, the bulk of which will go to the wealthiest Americans? The answer to that is clearly yes.

We were told earlier this year by the majority party, who advanced the $270 billion proposal to reduce Medicare funding, that they would provide details later. Today was the day to provide the details, and we have discovered that there really are not details that they want to disclose because those details will be enormously troublesome.

I indicated this morning that it is very hard for elephants to walk on their tiptoes. It is very hard to tiptoe around the details of a Medicare reduction of $270 billion and what it means to senior citizens, many of whom live on very, very modest incomes and who will, as a result of this, receive less health care and pay more for it. Why? So that some of the wealthiest Americans can enjoy a tax cut.

I think we ought to start over. I do not think we ought to have leadership calling anybody else liars. We ought to start over and talk about truth. The truth is this country is deep in debt. We ought to balance the budget before anybody talks about big tax cuts. It may well be very popular to be for tax cuts. But it seems to me that it is the right thing to be for balancing the budget. We had a debate about whether we should put that in the Constitution. We do not have to put that in the Constitution. All you have to do is balance the budget by changing revenue and expenditure approaches to provide a balance.

So I hope we will start over and decide no tax cut until the budget is balanced. When we deal with Medicare, as we must in order to make the adjustments necessary to keep it solvent for the long term, let us do that outside of the issue of whether the savings from Medicare should finance tax cuts. The answer to that is obvious. Of course, it should not finance a tax cut. Whatever we do to Medicare ought to be done to make it financially solvent for the long term.

THE FARM BILL

Mr. DORGAN. Mr. President, let me attend to one other item as long as the Senate is waiting on the welfare reform bill.

I would like to comment on the issue of the farm bill. We had some comments yesterday by the chairman of the Senate Agriculture Committee in which the chairman indicated that it was very difficult, if not impossible, to get a majority on the Senate Agriculture Committee to vote for some kind of a farm bill.

What is happening is that it is becoming evident to everyone that some have painted themselves into a corner on this question of agriculture. The proposed $14 billion cut in agriculture is way beyond what agriculture should bear in cuts. I have supported budget