

I just hope that by the end of today the leaders and other Members of Congress will step aside and agree to a clean CR to keep this Government up and operating. Let us start doing what the American people expect us to do.

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

Mr. DORGAN. Mr. President, I am tempted to offer unanimous consent for a clean CR, but I shall not do that. I hope that it will be done by someone and not objected to in the next couple of hours, and with that I yield the floor.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 (Mr. COCHRAN). Without objection, it is so ordered.

Mr. SANTORUM. I ask unanimous consent that I be able to speak for 15 minutes as in morning business.

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

Mr. SANTORUM. Thank you, Mr. President.

THE WELFARE REFORM BILL

Mr. SANTORUM. Mr. President, I would like to make a few comments about the vote today on the welfare reform bill. Several people have talked to me about it and have expressed concern that we did not receive the bipartisan support in this piece of legislation that we had in the original Senate bill. I want to reflect on that for a few moments and discuss how we might be able to bridge the gap and what kind of gap it is that now keeps us apart on the welfare issue.

First, I would like to thank the Members of the Senate on both sides of the aisle who supported the conference report. I think they will be very proud of the vote they cast as a real step forward for moving this country toward a kind of reform in the welfare system that the American public and the people who are now in the welfare system or may find themselves at some point in time in their life to be in need of the welfare system have been asking for for a long time.

My impression of what went on—just from listening to the debate and the comments of Members who eventually voted against the legislation—was that for the most part Members who voted against this legislation, on the other side of the aisle in particular, were people who felt that they had to vote against it and they were sort of looking for a reason why.

You say, what do you mean they had to vote against it? The President came out yesterday morning and said he was going to veto the legislation. I think I

understand why the President did that. I am not too sure I think that the President is vetoing this legislation because he substantively disagrees with it on so many counts, but more that I think he sees welfare as being included in these negotiations that are going on right now in the budget package, and to sign a separate welfare bill sort of takes welfare off the table in the bargaining between all the other programs that are being considered in trying to balance the budget.

I think what the President wanted to do—and I think many Members on the other side agreed with it—is they wanted to keep welfare in play in the greater negotiations, and to sign off on one package without having the interaction of the other programs yet to be determined would, in their estimation, be an unwise move. So I will say to them, it is my firm belief that is what is going on here—I will explain that later—that this was more of a tactical move in opposition to this legislation than it really was a substantive move that this legislation somehow did not meet the test of welfare reform as defined by most Members on both sides of the aisle.

It was interesting for me to note that the people who debated the welfare reform bill here on the floor the last day, last night and today, by and large were the 12 people who voted against the legislation when it first came through.

So the principal opponents, at least the most vocal opponents, on the other side of the aisle were all people who voted against the Senate-passed bill, which got 87 votes; and in fact, the only two people that I can recollect who debated the bill this morning who had previously supported the bill did so on very narrow and limited grounds.

In fact, I have had discussions with those Members subsequently—at least one of them—and think some of the grounds on which they base their opposition actually did not square with the facts. I am not saying that the Senators misrepresented the facts. I am not saying that at all.

I think in this case, because this bill was moved over here so quickly, a lot of the factual information that was in the bill did not get out in proper fashion, and there were changes made to the bill in the last couple of days that were simply not disseminated to the other side. I think there was some misunderstanding, particularly in the area of child care funding, and a look at the facts, I think, would satisfy some of the concerns of Members on the other side of the aisle.

I want to go through the points that were made about the welfare bill as reasons for opposing it and try to explain why those concerns may not have been as legitimate as some would have originally suggested. Some, I believe, are legitimate.

I think there was one concern in particular that I know concerned Members on this side of the aisle and, I think, was the result of the two negative

votes over here and, I think, concerned many Members and could be a legitimate reason to, in a sense, hang your hat on opposition to this proposal and actually speaks for including welfare in the larger budget package. What I am referring to is the Medicaid portion or the Medicaid reference in the welfare bill.

It was asked by the Governors and others who were negotiating the Medicaid portion of the Balanced Budget Act that we, for purposes of welfare, do not guarantee anyone who is on AFDC, guarantee them coverage under Medicaid automatically. That is current law, that if you qualify for AFDC, mothers and children automatically qualify for Medicaid.

Governors have said that now they are in the process during this budget debate of working out amongst themselves and Members of Congress to give some more flexibility in establishing who must qualify for Medicaid and allowing them the flexibility to make some of their own determinations.

So they asked, for purposes of this bill, do not lock them in quite yet on guaranteeing Medicaid coverage for AFDC recipients when, in fact, they are negotiating that very issue in their Medicaid discussions. So, as a result, because this bill moved ahead of the rest of the package, we left that provision out and said that is to be negotiated with Medicaid, not with welfare.

As a result, many Members seized upon this and said, "Oh, what we're doing here is unprecedented. It was not in the House bill, it was in the Senate bill. We are cutting off, in the welfare bill, all these people from Medicaid." Well, in a sense that is not completely true. But it certainly makes for a very good reason to vote against this bill even though you can make several arguments against that point.

One is the obvious one I think I have already made in detailing what the problem was; that that decision is going to be made later, and, in fact, it may very well say in the Medicaid bill that AFDC recipients are covered. That is a decision that is going to be made later. It is not that we are making the decision here affirmatively; it is a decision that will be made, but this was not the appropriate vehicle to make it. That does not soothe, I know, a lot of people, but it is in a sense an accurate description of what is going on.

The other point is—or several other points—according to the Congressional Budget Office, all of the children who are on AFDC today would otherwise qualify for Medicaid even if the current legislation which just passed here were signed by the President. That is, children, poor children, would qualify under the Medicaid statute, not under the AFDC statute, and therefore would be eligible for Medicaid even if they were not automatically eligible as a result of receiving AFDC. So children would have been covered anyway.

So to say, as some Members said, we are cutting off children by this is not

an accurate description of at least what the Congressional Budget Office interpreted. In fact, the Congressional Budget Office scored this welfare bill as having all the existing children eligible for Medicaid.

For example, the Congressional Budget Office said that approximately half of the women—again, most AFDC recipient parents are women—half of the women on AFDC would automatically—or I should not say automatically—would otherwise qualify for Medicaid because of their status without the automatic qualification under AFDC.

So that leaves a block of about half of the women who currently receive AFDC, who qualify under AFDC, who would not otherwise qualify for Medicaid. That is a legitimate debate, and I think Members cited that. It is a legitimate debate as to whether this is the right approach to take.

My only point was—and I will go back to the first point I made—that is an issue to be decided in the Medicaid debate, not in the welfare debate, and it is in the process of being decided.

So we have that as, I think, the principal stumbling block and the reason that most Members will be able to go back and say this is why this bill was substantively different than the bill that passed the Senate because, if you look at everything else, if you look at all the other provisions of the welfare reform bill and match it up against the welfare reform bill that passed here with 87-87 votes, there is nary a reason for a dissenting vote of anyone who gave assent the first time. In fact, I would suggest that most of the concerns—or many; I should not say most—many of the concerns that were raised on the other side about the potential toughness of the welfare reform bill were solved by the addition, for example, of 1 billion extra dollars in child care.

Some comments were made by Members on the other side that child care funding was cut. The Senator from Massachusetts and I had a discussion about that last night, and I attempted to clarify that. I will do it one more time. The Senate bill that passed last—I guess a few months ago; I do not know exactly the month—had \$8 billion for child care, mandatory child care spending for the first 5 years and \$2 billion in the sixth and seventh years combined; so a total of 10 billion in mandatory entitlement child care dollars.

Under the conference bill, in the first 5 years, there was \$7.8 billion, not \$8 billion as in the original bill, but \$7.8 billion, \$200 million less, in the first 5 years. However, in the next 2 years, instead of having \$2 billion for child care, there was \$3.2 billion for child care. So in a sense, we took \$200 million and shifted it forward to the sixth and seventh year and added an additional billion dollars for child care.

So there is, overall, more money over the 7 years, just \$200 million less in the

first 5, but we shifted it, we did not lose it; we shifted it to the sixth and seventh year.

Why did we do that? We did it because the Governors asked us to do it. You say, "Why would the Governors ask for the money further out?" The reason is because the participation standards—now what is that? That is the percentage of people who go on to welfare who are going to be required to go to work.

Not everyone who goes on welfare is going to be required to go to work. In fact, in the first year, I believe the number is 20 percent of the people who go on welfare, the States will collect only 20 percent of the caseload and say, "You will be in the time-limited program, the other 80 percent will be in the old welfare program." That will phase up 5 percent a year until we reach 50 percent.

When this program is fully phased in, 50 percent of the people who come on to the welfare rolls will be put in a time-limited welfare program. The other 50 percent will be in the existing program, no time limit.

But because it phases in over time and because anyone who is in a time-limited program when you go in—if you are one of the 20 percent next year that goes into the welfare program, under the law as drafted, you get 2 years of AFDC without having to work. So no one will be required to work under this law—since the block grant in this bill does not go into effect until October 1, 1996—so the first person who walks into the door on October 1, 1996 who is now subject to this law, 2 years later is October 1998, that is the first person who has to work under this law. And, again, 20 percent of the caseload will have to do that, and many of those 20 percent, obviously, will have found work or gotten off the program anyway, so it is only a small percentage of the 20 percent.

What am I saying? The reason they want to backload it is because as participation rates increase, the number of people who are going to need day care because of the work requirements will increase in the outyears. So they really do not need day care funding as much next year or the year after or the year after. It is not until the year 2000, 2001, 2002 that the day care funds really are needed in larger amounts. That is why we pushed the money back.

So I think it was somewhat—well, let us just say erroneous for some reason for Members to argue that there were cuts in day care funds when, in fact, we added more money and put it in the years where we believe the money was to be needed.

So the two major criticisms that I heard on the floor, one being the Medicaid issue and the other being the issue with child care, I think, were not necessarily made accurately.

If I can just make a couple more comments about the Medicaid issue. The one other thing I wanted to mention on Medicaid is that there are sev-

eral States that have gotten Medicaid waivers already to be able to determine eligibility. They have gotten waivers from the Federal Government to enact their own Medicaid plan and to create their own eligibility standards for who qualifies for Medicaid.

All of the States that have done that have actually expanded eligibility. Let me repeat that. States who have actually gotten waivers and have been given the opportunity to redetermine who is eligible or not have actually not cut people from the Medicaid rolls but have actually expanded the Medicaid rolls.

So the concern that somehow or another if we do not require AFDC recipients to be included in Medicaid that States will immediately rush to cut them off is not borne out by the experiences of the States, like Tennessee and others that have gone forward with their own Medicaid waivers.

That is just an additional point that I think should have been noted.

There were a couple other things that were mentioned that I want to discuss. Those are the two major issues.

So you can see from the discussion that we are really not that far apart on the big issues. In fact, I suggest we, in fact, moved in their direction on one of those two issues, and the other one is going to be debated in the Medicaid debate.

The Democratic leader said that there were cuts in the EITC, the earned income tax credit. That is true. There was a cut in the earned income tax credit. When I say cut, we reduced the rate of growth. That program is expanding tremendously, and we cut back somewhat in the growth in that program, but it is not in this bill.

I do not know whether he suggested that it was or that it is coming later, but he did mention in his statement we cut the earned income tax credit. I just wanted to state for the record that the earned income tax credit is not in the welfare bill; it is not in the bill we voted on. I think that just needs to be clarified for the purposes of the record.

The other comment that I heard on the floor was that we changed the SSI provisions to reduce benefits to some children and knock off the SSI rolls other children. Two comments.

With respect to knocking off children who are on SSI right now, SSI being supplemental security income—children who have disabilities qualify for SSI and who are in poor families. They qualify for roughly \$458 a month, plus Medicaid, plus food stamps and other services.

What we have done is something that was in the original Senate bill that passed with 87 votes, as far as redetermining who are truly disabled and should be eligible. That provision passed in the Senate with 87 votes. It was included in the Democratic substitute welfare proposal. That exact language was included in the Democratic substitute, both in the House

and the Senate, I might add. The House had the same language. It got the support of every Democratic Senator at one point in time.

So I do not think there is a dispute that these children who came in and got on SSI as a result of what were individual functional assessments, that those children should no longer be covered under SSI. In fact, there was never even an amendment offered to change that standard. So we can put that issue aside.

The other issue is a legitimate one, and that is that we have reduced payments to some children who are still considered disabled under SSI. Let me explain to you how that occurred.

In the Senate bill, all children who qualified for SSI received the full \$458 a month. That is an SSI benefit. That is an SSI benefit whether you are an adult or child. SSI was originally created to be a supplemental income program. That is what it is, supplemental security income. It was supposed to be a supplemental security income program for adults who are disabled and, obviously, not able to work. So we provided this money for them to be able to support themselves.

Children have been included in that but get the same amount of money as an adult who, with that money, must support themselves. Obviously, children do not have to support themselves. Many of the families of children who are on SSI are on AFDC and other government support programs. Some of them are working families, working poor, and qualify as poor and, therefore, their children are eligible for SSI. So that is not the sole source of income to support that child, yet they get the same amount of money as an adult who must use that as their sole means of support.

So what we said in looking at how we could compromise with the House—and what the House had done was take children who qualified for SSI and divided them into two categories: The first category being those who needed 24-hour care or care that if they did not get would have been institutionalized. They would continue to receive cash. Everyone else would get no cash. They would still be eligible for SSI, but they would get no cash. What they would get is they would be eligible for amounts of funds that were then going to be block granted to States, and the States could provide services to them to meet the needs of their disability.

Well, there are many Members on this side of the building who had problems with no cash for these less severely disabled children, and we did not like the idea of the block grant. A lot of disability advocates did not like the idea of a block grant. So what we did is—and Senator CHAFEE worked very hard on this, and I gave him credit for that last night when I talked—we fought very hard on this to keep the cash assistance for all disabled children. But we recognized—and this is the concession we gave to the House—

that there were varying degrees of disability, and a child with disabilities that did not require additional attention from the parents to be able to stay at home and live at home, obviously, did not need the kind of cash resources like the more severely disabled children. So we created a differentiation between those who need more constant home care from the parent, which would, in a sense, take the parent from the job market and require them to stay at home, and the children who were disabled but do not require that kind of constant attention, and that is therefore not as much of a drain on the parents to provide for them. So we created that very small difference, which is a 25-percent reduction in benefits. They still receive cash assistance, but they only receive 75 percent of the full SSI payment. We think that was a very reasonable compromise. I can understand how some Members would like to see the full 100 percent. But we think that was a reasonable compromise between what the House and the Senate had come up with.

The final point I wanted to make is in the area of child protection. There were comments made about how we are taking foster care and adoption and family protection services and slashing them under this bill. I will state for the RECORD, again, that under the House bill, this area was block granted completely. All of the services provided under that title were block granted and cut by \$2.3 billion over the next 7 years. In the Senate bill, we did not have any provision on this issue, except that we cut \$1.3 billion from this area to help finance the rest of the bill. We did not deal with any reforms in the area. We simply took some money out of one section of the child protection area; \$1.3 billion was the cut here.

In the conference report, we did not cut \$2.3 billion, we did not cut \$1.3 billion, we cut \$400 million. So the bill that Members voted for here—87 Members voted for it—actually cut the area of adoption and foster care and child protection more than the bill that they now objected to as cutting too much. So, again, I question whether all of that information really was sufficiently discussed and debated and gotten to Members on both sides of the aisle before their votes were cast.

The other point I wanted to make is that the entitlements to maintenance payments for adoption and foster care remained entitlements in the conference report. They were not in the House bill, but we negotiated and maintained the direct payments to children for adoption and foster care as an entitlement under this bill, which we think was very important, and was a step in the direction of those who had concerns about the block grant. The area we block granted, I say to Members, is that in the child protection area, 50 percent of all the money spent in that area is spent on administrative overhead expenses. Fifty percent does not get to the children. It is all very

overhead-intensive. What we have done is given the States the flexibility, through the block grant, to eliminate a lot of this overhead expense and get a lot more direct services to the children in need. We also allow for agencies like the police and the social service agency to communicate with each other, which is not allowed under current law.

We think we have taken dramatic steps forward in this area in which we have seen some miserable results in recent months, from the Chicago case to this horrible tragedy of this young girl, Alyssa, in New York, to other tragedies which we are all familiar with in our States. So we believe this is an area that is ripe for new developments and changes. We allow for that in this bill.

In conclusion, I want to say that I think the real differences between the Republicans and the Democrats on the welfare issue come down now to more tactical reasons for not supporting this bill than they do substantive reasons. Again, I am not questioning whether or not it is a legitimate reason to oppose the bill. In fact, I say it very may well be a legitimate reason to oppose this bill. All I am suggesting is that those who voted against this conference report examine it for the particulars that are in here, and look at it in terms of not saying that we have to scrap this and start all over again, when, in fact, I think we have substantial agreement here, and that if we can make some modifications in a couple of the areas that I suggested, and that, in fact, we can find a workable compromise that not only will many Members on the other side of the aisle and, hopefully, all our Members on this side, will be able to support enthusiastically, but one that the President could support and one that we can include in the Balanced Budget Act of, hopefully 1995—maybe 1996, the way things are going.

I thank the Senator from Georgia for his indulgence. I know he has been waiting.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

THE WELFARE REFORM BILL

Mr. NUNN. Mr. President, I thank the Senator for his remarks. I had voted for the welfare reform bill when it first came through, not because I thought it was perfect, but I thought the system was so badly broken and that we must move in a different direction, even if we have to patch it up as we go.

However, the conference report had excesses and some provisions in it that I felt were simply going beyond the point that I could support. I appreciate the Senator's remarks today, both in explaining the conference report and also laying out some hostile areas, and the need for putting this back together if indeed it is vetoed.

I think it is important for the country that we get a welfare reform bill