

COCHRAN, Mr. MACK, Mr. D'AMATO, Mr. THURMOND, Mr. ABRAHAM, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. WARNER):

S. 1120. A bill to enhance support and work opportunities for families with children, reduce welfare dependence, and control welfare spending; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. HEFLIN, Mr. HATCH, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1115. A bill to prohibit an award of costs, including attorney's fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity; to the Committee on the Judiciary.

##### THE JUDICIAL IMMUNITY RESTORATION ACT

Mr. THURMOND. Mr. President, I rise today, along with Senators HEFLIN, HATCH, GRASSLEY, and D'AMATO, to introduce the Judicial Immunity Restoration Act of 1995 to protect judges from lawsuits filed against them for acts taken in their judicial capacity. This bill is nearly identical to legislation considered in the 100th Congress, the 101st Congress, and most recently in the 102d Congress.

This legislation is needed to restore the doctrine of judicial immunity by correcting the decision of the United States Supreme Court in *Pulliam v. Allen*, 456 U.S. 522 (1984). In a 5 to 4 decision, the Supreme Court held that judicial immunity does not bar injunctive relief or an award of attorneys' fees against State court judges acting in their judicial capacity. The Court recognized the possible chilling effects its decision might have on a judge's ability to exercise independent judgment. But the Supreme Court held that the Congress should determine the extent of judicial immunity.

It is important for the Congress to clarify the extent of judicial immunity to ensure that judges are free to make appropriate decisions in their judicial capacity without fear of reprisal. This legislation prohibits the award of costs or attorneys' fees against judges, both State and Federal, for performing the judicial functions for which they were elected or appointed. In addition, this legislation removes the threat of injunctions against judges for acts performed in their judicial capacities, except in rare circumstances when a judge refuses to respect a declaratory judgment.

Few doctrines are more important or more firmly rooted in our jurisprudence than the notion of an independent judiciary. Judicial immunity has been a fundamental tenet of our common law since distinguished jurist Lord Coke held in the case of *Floyd and*

*Barker*, 77 Eng. Rep. 1305 (1607), that a judge who presided over a murder trial was immune from subsequent conspiracy charges brought against him by the murder defendant. Judicial independence is no less critical today, and remains essential to ensure justice.

It is time to restore the judicial immunity protections that were weakened by the Court's decision in *Pulliam*. In the 10 years since *Pulliam*, thousands of Federal cases have been filed against judges and magistrates. The overwhelming majority of these cases are without merit and are ultimately dismissed. The record from our previous hearings on this issue is replete with examples of judges having to defend themselves against cases that should never have been brought. The very process of defending against those actions constitutes harassment, and subjects judges to undue expense. More importantly, the very real risk to our judges of burdensome litigation creates a chilling effect that may impair the judiciary's day-to-day decisions in close and controversial cases.

Mr. President, an independent judiciary is a vital component in any democracy, and cannot be compromised. This bill will restore the independence of all justices, judges, and judicial officers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

##### S. 1115

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEYS' FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) NONLIABILITY FOR COSTS.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof “, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction”.

(c) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: “, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable”.

By Mr. EXON:

S. 1116. A bill entitled “The Broadcast and Cable Voluntary Standards and Practice Act”; to the Committee on Commerce, Science, and Transportation.

##### THE BROADCAST AND CABLE VOLUNTARY STANDARDS AND PRACTICE ACT

Mr. EXON. Mr. President, a license to use the public airwaves to broadcast or use the public rights-of-way to provide cable service is a tremendous privilege. To many, it is almost a license to print money. The recent purchases of television networks reveal the extraordinary value of this privilege.

With a broadcast or cable license a company gains a key to every household its signal can reach and access to the most intimate and memorable moments of people's lives.

Broadcast television and radio as well as cable programming are key elements of our Nation's culture.

With this privilege should come responsibility. Some of that responsibility is statutory or regulatory, for example, the requirements that broadcasters and cable operators refrain from transmitting obscenity; that broadcasters restrict indecency to hours when children are unlikely to be awake; and that broadcasters serve the public interest.

Some of that responsibility comes from the marketplace, broadcasters and cable companies which offend American families lose their audience. Grassroots efforts have both saved programs from cancellation and quickened the demise of others.

Some of that responsibility comes from the ethics of broadcasters and cable companies as leading corporate citizens of this country. Some of these corporate entities have been more responsible than others. Long before Presidential candidates have tried to shame the media, the Senate Commerce Committee on which I serve has attempted to focus attention on the destructiveness of certain trends in the popular culture.

Some of those who have not been responsible about what they put into American homes blame the marketplace. They claim that in spite of their desires to be more family friendly, the competitive environment forces them to test the limits of taste and decency in the quest for viewers and listeners.

To be effective, the law, the market, and individual ethics must work together. There are some examples of success such as Senator SIMON's legislation which encouraged and allowed joint efforts to reduce the amount of violent programming. But more remains to be done on all fronts.

Few can deny that there is a crisis in America. Parents, churches, schools are having more and more difficulty conveying values to their children. The electronic emperors of the modern age are increasingly replacing parents and families as the primary source of values.

This is a crisis which goes deeper than violence on television it is also about sex and family values in popular culture.

Today, sex sells everything from soft drinks to blue jeans. Daytime commercial television talk shows have become

a virtual freak show of abuse, addiction, and alternative lifestyles. And prime time television regularly tests the limits of taste and propriety.

Year after year the situation seems to get worse. Parents try to teach the values of "Mayberry" and are overruled by the values of "Beverly Hills 90210."

The entire premise of commercial television is that a 30- or 60-second advertisement will affect a substantial portion of an audience to do things which they would not otherwise do—that is, to buy a particular product or service. It should be no mystery that 30- and 60-minute programs on television or radio have a profound effect on the views and values of audiences, especially young audiences.

The three areas of entertainment industry responsibility—legal, market, and ethical—are ripe for careful review and discussion.

The legislation I introduce today attempts to empower the industry to bolster its ethical commitments and to take responsible self-initiated steps to improve the contemporary entertainment industry. It picks up where Senator SIMON'S TV violence initiative left off.

During the so-called golden age of television, broadcasters had a voluntary, but well followed, code of "standards and practices" known as the Television Code. Many of America's most memorable television series from the black and white era of the fifties and sixties proudly displayed the Television Code Seal at the conclusion of each show. It is ironic that those moments recognized as some of television's finest are devoid of the coarseness, vulgarity and unpleasantness of today's programming.

Antitrust prosecutions in the late 1970's related to the advertising provisions of the television code led to its eventual total demise in the early 1980s.

The legislation I introduce today would allow the television and cable industry to revise a voluntary code of standards and practices. Such private sector empowerment may be useful in reducing the crudity and coarseness in the modern entertainment industry.

While the Congress reviews ways to strengthen the legal responsibility of television and cable industry through legislation to limit violent programming and to strengthen the market forces through the public disclosure of violence report cards, I ask my colleagues to give serious consideration to the legislation I introduce today. The Broadcast and Cable Voluntary Standards and Practices Act will at least empower the entertainment industry to strengthen its ethical commitment to the American family.

I urge my colleagues to review and support this important legislation.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERREY, Mr. FORD, Mr. DORGAN, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. CONRAD, Mr.

BINGAMAN, Mr. BRYAN, Mr. INOUE, and Mr. ROBB):

S. 1117. A bill to repeal AFDC and establish the Work First plan, and for other purposes; to the Committee on Finance.

THE WORK FIRST WELFARE REFORM PLAN

Mr. DASCHLE. Mr. President, I am pleased to introduce, with my colleagues Senator BREAUX and Senator MIKULSKI, the Work First plan. We are joined today by Senators ROCKEFELLER, REID, BOB KERREY, FORD, DORGAN, DODD, and JOHN KERRY, our entire Democratic leadership, as well as Senators LIEBERMAN, CONRAD, BINGAMAN, and BRYAN.

We are gratified to have the broad bipartisan support of State and local leaders across the country. The bipartisan U.S. Conference of Mayors unanimously endorsed the Work First plan last month. The bill also has the support of the National Council of Elected County Executives, the Democratic Governors' Association, and many State legislators. The President has also endorsed our plan.

Our bill has four fundamental goals. First, we emphasize work. Our bill is designed to move welfare recipients from welfare to work. To put work first in priority. Second, our bill protects children. We do not punish children to pay for the mistakes or circumstances of their parents. Third, we do all we can to break the cycle of dependency. Fourth, we want to give States maximum flexibility.

The welfare system cannot be fundamentally changed without fundamentally changing the welfare culture.

Under the Work First plan, welfare offices are turned into employment offices. Welfare staff are retrained to focus on employment first. Gone are the micromanaging rules of today. We encourage states to consolidate and streamline their efforts to simplify administration and to restore common sense to a system that has become too bureaucratic.

Under the Work First plan, Aid to Families with Dependent Children, [AFDC] is eliminated. We do not modify it or revamp it. We do not ship it off to the States. We terminate it outright.

In its place, we create a conditional entitlement of limited duration. Referred to as "Temporary Employment Assistance," this new program is a dramatic change from AFDC.

There must be no more unconditional assistance. Everyone must contribute to the effort to change the welfare culture.

Toward that end, all recipients of Temporary Employment Assistance must sign a contract. This contract, called a Parent Empowerment Contract, is based on the Iowa model. Essentially it is a blueprint for employment. It spells out what each welfare recipient is expected to do to become employed and to be a responsible parent.

To obtain assistance, applicants must sign the contract. Those who do

not sign, who are unwilling to accept personal responsibility for improving their situation—will not get assistance. The contract is a commitment, and those who do not abide by the contract will have their benefits reduced and ultimately terminated.

All able-bodied recipients are required to work. Even those who are not able-bodied, those who might be disabled or caring for a disabled child, must do something in return for assistance. States will decide what they will be required to do. It could be volunteering at their child's school, or ensuring that their children are properly immunized, or some other task or responsibility the State determines is fair and reasonable.

Again, there must be no more unconditional assistance.

Temporary Employment Assistance is temporary. There is a 5 year lifetime limit for Temporary Employment Assistance that may be waived only to protect children, disabled individuals, or other special cases. Applicants will know from day one that help will be available for a finite period.

Temporary Employment Assistance is flexible. States set their own rules for eligibility. States set their own maximum benefit levels. States set their own resource limits, asset limits, and income disregard policies.

All we require is that if a family meets those eligibility criteria set by the State, that family must receive assistance. That is one of the basic differences between our plan and the Republican plans. We all provide flexibility. We all let States set their own benefits. But, we say that families of similar income, or lack of income, ought to receive assistance based on their degree of poverty, not their place in line, or the time of year they applied.

A block grant, like the one approved by the Senate Finance Committee, is a first-come, first-served policy. What matters most is your place in line—not your level of need. We believe that is wrong.

As part of the effort to change the welfare culture and put welfare recipients to work, the Work First plan terminates the current JOBS program. Gone are the micromanaging rules under JOBS. We recognize that some welfare recipients made modest gains under JOBS. But, we believe that States ought to have far more flexibility to put welfare recipients to work.

Therefore, we replace the current JOBS program with a Work First Employment Block Grant. Under Work First, the focus is on job creation and employment in the private sector.

Once an individual receives Temporary Employment Assistance, she would spend up to two months in intensive job search activities to be designed by the States. At that point, we hope

that the most job-ready of welfare recipients will have found a job and begun the transition out of welfare.

For those who have not found a job after 2 months, States can offer a variety of options under the Work First Employment Block Grant: placement services or vouchers; microenterprise or self-employment activities; work supplementation; grant diversion; workfare; community service; something like the GAIN program in Riverside County, CA; something like the JOBS Plus program in Oregon that provides clients with on-the-job training by cashing out AFDC and Food Stamps in return for wages; something like the Family Investment program in Iowa that moves families off welfare and into self-sufficient employment; or any other work-related option to employ welfare recipients.

For States that exceed the work performance rates under the Work First plan, we will provide bonuses on a per-person basis to the State. The bonuses are based on job retention. After the first 3 months, a State will receive one-third of the bonus. After 6 months, a State will receive another third. And, after 9 months of work, States will receive the final third.

As I said before, the objective of our plan is work first. That is the name of our bill, and that is our absolute goal. We not only want to move welfare recipients into the workforce. We want to keep them there.

As we consider welfare reform, there will undoubtedly be vigorous debate about various facts and statistics. But there is no denying one fact. And, that is that the overwhelming majority of welfare recipients are women, mothers raising children alone.

That is why it is no surprise that the greatest barrier for moving welfare recipients from welfare to work is the lack of child care, the inability to afford child care, and the anxiety about leaving one's child in the care of another.

We believe that the linchpin between welfare and work is child care. We believe that if we help mothers afford child care and help communities expand child care opportunities, we will tear down that barrier.

An investment in child care today pays off in two ways tomorrow. First, it enables welfare recipients to go to work. And second, quality child care provides a positive environment for children to better prepare for school and a life free of welfare.

If we are serious about putting welfare recipients to work, then we need to be equally serious about providing child care assistance.

To date, the focus of welfare reform has been on work. An essential part of that debate ought to be about child care assistance.

To leave her house, to get a job, to keep that job, a mother first must be able to find and afford child care. If we are going to retain women, particularly single women, in the workforce, then we need to invest in child care.

Another barrier to employment is the lack of health coverage. For many child care if has not become an insurmountable problem, then health care coverage has.

It is well known that many low wage jobs, often the only jobs available to welfare recipients, do not come with health care coverage. And we all know of stories of women who left welfare for work only to face a health care crisis and realize that welfare with Medicaid coverage is their only viable option. The incentives under the current system are all wrong. We have to make work pay.

That is why under Work First, we provide for 2 years of Medicaid coverage for those transitioning from welfare to work.

I know that, ideally, this problem should be considered within the context of overall healthcare reform. But, until that happens, through transitional Medicaid coverage, we have provided an incentive to keep women in the workforce.

Another critical issue in the welfare debate is teen pregnancy. I have talked to many experts throughout the country and in South Dakota about teen pregnancy. No one has come up with the perfect solution.

Under the Work First plan, mothers are required to live at home or in an adult-supervised environment. They are required to stay in school. States are free to reduce benefits to those who do not and provide bonuses to those who do.

Because there is no one-size-fits-all answer to reducing teen pregnancy, the Work First plan offers grants to States to work with communities to develop their own innovative approaches to reduce teen pregnancy.

With regard to absent parents and child support enforcement, our message is clear. The Work First plan includes the Bradley-Snow provisions to improve child support enforcement and bring about uniformity to interstate cases so that they will no longer be impossible to enforce.

The Work First plan also goes one step further. Noncustodial parents with overdue support orders are required to pay up, enter into a repayment plan, or choose between community service and jail.

No longer will deadbeat parents be able to escape their financial responsibility. It is a crime that the default rate on used cars is about 3 percent, while the default rate on child support orders hovers around 50 percent. No longer. Not under the Work First plan.

The Work First plan is really about priorities. It is a priority for us to fundamentally change the welfare system to put welfare recipients to work—not to put them on someone else's doorstep.

We cut existing welfare and welfare-related programs and invest those savings in efforts to promote work and child care. Beyond the investments we make, we have savings of about \$15 bil-

lion so that we not only put welfare recipients to work, but we reduce the deficit at the same time.

The time has come for fundamental change. The Work First plan is a pragmatic approach that focuses on work—private sector work.

We are told that the Senate will begin debating welfare reform on Saturday. I look forward to reviewing the revised Republican plan and comparing it to our plan. And I continue to urge my colleagues, on both sides of the aisle, to review the Work First plan.

Welfare reform should not be a partisan issue. It is time to put politics aside and get down to the business we were sent here to do. If we do that, there is no doubt in my mind that we can develop a welfare reform package that garners a large consensus in the Senate.

Ms. MIKULSKI. Mr. President, I am proud today to join with the Democratic leader in introducing the work first bill. It is the Democratic leadership's welfare reform bill.

We Democrats believe that welfare should not be a way of life but a way to a better life. The people on welfare agree that it is a mess. The taxpayers who pay for welfare agree that it is a mess. All agree that the current system does not work, and all agree that it needs to be replaced. It discourages work and economic self-sufficiency.

Therefore, the Democratic work first bill addresses these concerns. That is why we are absolutely firm on work. That is why the Democratic bill that we introduce today not only moves people off of welfare but helps them stay off.

The Republican welfare bill simply pushes people off welfare and pushes them into poverty. The Democrats have a work first plan. It focuses on ending the cycle of poverty and the culture of poverty. How do we do it? Our bill ends AFDC and creates a temporary employment assistance program. We require job readiness assessments of each adult job placement, job search, and on-the-job work activity. We require them to sign a parent empowerment contract that requires them to take the steps they need to go to work and be responsible parents. Then we expect the individuals to go to work.

But while being firm on work, we provide these individuals with the tools they need to get a job and keep a job. We also provide a safety net for children. That means quality day care for 2 years as parents go to work, the extension of health care protection, and making sure that a child has health care while their mothers are moving to work and self-sufficiency. This also means we look out for the food and nutrition programs.

The Democratic bill also brings men back into the family. Sure, we are very tough on child support. We strengthen the child support rules. But we do not look at men only as a child support check. We want men back into the family. We want to remove the barriers to

family, the barriers to marriage, because we believe the way the family is going to move out of poverty is the way people move to the middle class, with two-parent wage earners. That is why we will eliminate the man-in-the-house rule and other barriers to men being in the family.

The Democratic plan also tackles the growing problem of teenage pregnancy. Under our bill, teen mothers must stay in school and stay at home as a condition of receiving benefits. If they stay in a home that is not desirable, where they are a victim of abuse, or where there is alcoholism or drug abuse, we create a network of second-chance homes. The work first plan also gives broad flexibility to States, administrative simplification and helps with those issues that Governors have complained about.

Finally the Democratic welfare bill saves money and lowers the deficit. Through a series of reforms in the current system and the elimination of fraud and waste, our bill will have a net savings of \$21 billion over a 7-year period.

This work first bill is an act of tough love. Sure it is tough, but we have a lot of love in it. As we approach welfare reform, we ask people to take charge of their lives and go to work. In exchange for that, we give them the tools to stay at work, the opportunity for a better life, enable them to marry. And I believe that our bill brings about real reform because we do not have requirements, we have results and resources.

I hope that this bill will attract bipartisan support and we can truly end welfare as we know it.

Mr. President, I will yield the floor to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I congratulate the Senator from Maryland for the excellent job she has done. As a former professional social worker, when BARBARA MIKULSKI speaks about welfare reform, she does not speak from having read a book about it; she speaks from having led a life of trying to improve the conditions of lives of people who have had the great misfortune of being on welfare.

Mr. President, I will be very brief. Today is an important day because today the Democratic leadership, with a number of cosponsors, a majority of all Democrats, have introduced our Work First welfare reform bill. It is a major document. It is a major document because it makes major changes in the current welfare system that we, as Democrats, and I think most Republicans would agree welfare as we know it today simply does not work.

I know of only a few people who may stand up anywhere and say the system we have is a good system. It does not work well for the people who are on it and it does not work well for the people who are paying for it.

I think there is a general consensus that we have to make major changes. How we make those changes is the subject, I think, of legitimate debate.

There are a lot of different suggestions about what should be done to make it work better than it has worked in the past. I suggest that any program that is tough on work, any program that is good for children, is a movement in the right direction as to what we as a Congress should be doing.

It was an issue at the last Presidential campaign. I hope it will not be an issue in the next Presidential campaign, because I hope by that time we will have adopted a real bipartisan program that is good for all Americans.

We, as Democrats, could not do this by ourselves. I suggest that our Republican colleagues, by themselves, cannot do it either.

Therefore, this is a subject that will have to have bipartisan agreement. We are going to bring a real welfare reform bill to the President's desk, one that he can sign in this Congress. That should be the goal of all of us, Republicans or Democrats.

Let me just suggest that the bill that we are introducing today, the Democratic Work First Program, is an excellent vehicle. I wish all of our colleagues would join and we could pass it unanimously. I know that that is not likely.

I do think that it presents a document in a package of principles that we can all agree on and then tinker around the edges to make it a politically acceptable document to all of our colleagues.

Our bill starts off by recognizing that the current system does not work. We abolished the Aid to Families with Dependent Children, the AFDC program, which has been around for so long. We are saying that in the 1990's it does not work. Not only does it have to be changed a little bit, it has to be changed a lot. Not only does it have to be changed, it should be abolished, and start off with a new program.

That is what we have in our document. We replace Aid to Families with Dependent Children with a temporary employment system that requires people, when they walk into the welfare office, to sign a contract. That contract is going to get them starting to look for a job from the first day. If they do not follow the terms of the contract, their benefits can be reduced.

I think that is something that is incredibly important. They start from the first day they walk in the office looking for a job. The best social program that this Congress can pass is a good job, not another Federal program, but a good job for someone who currently is under welfare assistance in their particular State.

The program that we are offering abolishes the current system, starts over with a temporary employment program from the very first day. There are penalties and there are time limits. We are saying that people cannot be on welfare assistance forever. There is a 2-year time limit, and a total of 5 years in a person's life that they would be eligible for welfare assistance.

We also, I think, protect children. We also say to States that we are not going to give you an unfunded mandate to do things without helping you pay for those programs.

One of my concerns about the bill that came out of the Finance Committee was that we froze the amount of money going to the States at 1994 levels, yet we are telling States they have to do a lot more with a lot less. That is not real reform.

I suggest that plan is like putting all the welfare problems in a box and then mailing that box to the States and say, "Here, it is yours. We are washing our hands of the problem. You take it. We will give you less money to fix it."

That is not reform. That is passing the buck. That is not what we should be doing in this Congress.

Our program is real reform. We should not be arguing, I suggest, as to whether the Federal Government should do it or the State should do it. The fact is we both should do it. The Federal Government should work with the States and give them more flexibility, and the Federal Government should be there as a partner—not as a supervisor, not as a big heavy hand from Washington, but as a partner—with the States to work on what is best for a particular State.

Our bill does that. It gives great flexibility to the States to devise the proper system that works in their State, to design what is best for the State of Mississippi, the State of Louisiana, Maryland or California, or whatever State is involved. Let the States design the program.

We, as Federal officials who raise the money to pay for those programs, should not be unconcerned with how those funds are spent. There should be some national standards. There should be some national parameters.

We, for instance, feel that States should not be able to tell children who are innocent victims, who did not ask to be born, that they somehow will lose any benefits that they have to live because of the mistakes of their parents. We think that is hard. We think that is cruel. We think that should not be the policy of this country.

We think, however, parents should be penalized when they make mistakes. We think parents who refuse to work should be penalized for not wanting to work. Our bill does that by reducing the benefits to adults who refuse to live by the terms of their contract. I think that is good.

We do not say in our bill to an innocent baby who did not ask to be born that because your parent is a teenager, we are going to penalize your life and make it more difficult for you to be a functioning citizen in this society.

Mr. President, our bill may not be perfect. We are not saying it is. We are not saying that perhaps it cannot be improved by amendments, because perhaps it can be. What we are saying is that our Work First Program is a solid package that is going to arrive out

with a lot of debate, a lot of discussion, where liberals and moderates and conservatives within our party have been able to come together and join hands and introduce this as a work first welfare package, which I think makes a great deal of sense.

We encourage our Republican colleagues, we challenge our Republican colleagues, to introduce your bill, to start the debate—not in an adversarial relationship, because this is something that truly should not be Republican or Democrat. We should be looking for an American solution to a uniquely American problem.

We all agree it does not work today. We all agree it needs to be fixed. We should come together and work together and get the type of program that this President is willing to sign and that we all can be proud of the ultimate results. I yield the floor.

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues today to introduce our Work First welfare reform legislation. This Congress has an historic opportunity to address the welfare crisis. The primary welfare program—Aid to Families With Dependent Children [AFDC]—is viewed by those participating in it and those paying for it as a failure. It is failing at its most important task—moving people into the work force. Worse yet, it is contributing to the cycle of poverty. By rewarding single parents who don't work, don't marry, and have children out of wedlock, the current system demeans our most cherished values and deepens society's most serious problems.

The Work First plan repeals the failed AFDC Program and replaces it with a temporary employment assistance program focused on putting people to work. It gives States the flexibility and incentives they need to successfully move people into private sector jobs. And it addresses two key causes of welfare dependency through tough new child support enforcement laws and provisions to reduce out-of-wedlock births to teenagers.

The Work First Program ends unconditional benefits that foster dependency. Each person receiving assistance will sign an individualized contract for achieving self-sufficiency. If recipients do not comply with the plan, then they will lose some or all of their benefits. While the plan may include some training or education, the emphasis will be squarely on work experience; all recipients will be required to search for a job from day one.

Eligibility for benefits will be limited to 5 years, although children whose parents reach this time limit will still be eligible for assistance. We must continue to meet our responsibility to our Nation's poorest children.

States must focus their program directly on placing people in private sector jobs. The bill requires States to have at least 50 percent of their caseload working by the year 2001. It moves away from telling States how to suc-

ceed and instead rewards results—States that have high private sector job placement rates will receive a financial bonus.

Our work requirements are tough and funded. We understand that child care assistance is the critical link between welfare and work and, unlike Republican welfare proposals, our bill gives States the child care funding they need to put people in jobs and move them off of welfare. In contrast, the Congressional Budget Office estimates that, under the Republican proposal, only 6 States could afford to put 50 percent of people on welfare to work.

The legislation also tackles the critical problem of teen pregnancy. Unmarried teen parents are particularly likely to fall into long-term welfare dependency. More than one-half of welfare spending goes to women who first gave birth as teens. This legislation, among other things, requires teen mothers to live at home and helps communities establish supervised group homes for single teen mothers.

Finally, the bill incorporates strong child support enforcement legislation Senator BRADLEY introduced, and I co-sponsored, earlier this year. The legislation will make it easier for States to locate absent noncustodial parents; establish paternity; establish a court order; and enforce payment of court orders. A tough child support enforcement system will help keep millions of children out of poverty and off of welfare. And tougher laws will send a message of responsibility to would-be deadbeat parents. In an era of skyrocketing out-of-wedlock births and rising teen pregnancy rates, child support enforcement payments must become a well-known and unavoidable fact of life for absent fathers and mothers.

The work first plan is true welfare reform. It demands responsibility from parents while providing continued protection for children. It addresses two of the key causes of welfare dependency—teen pregnancy and unpaid child support. It gives States the incentives and funding they need to put people back to work—and it holds States accountable for results.

By Ms. SNOWE (for herself and Mr. GLENN):

S. 1118. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

THE BONE MASS MEASUREMENT  
STANDARDIZATION ACT OF 1995

• Ms. SNOWE. Mr. President, today I am introducing the Bone Mass Measurement Standardization Act of 1995. A companion bill is being introduced in the U.S. House of Representatives by Representative CONNIE MORELLA.

Millions of women in their post-menopausal years face a silent killer \* \* \* a stalker disease we know as osteoporosis. This unforgiving bone disease afflicts 25 million Americans;

causes 50,000 deaths each year; 1.5 million bone fractures annually; and the direct medical costs of osteoporosis fracture patients are \$10 billion each year, or \$27 million every single day. This cost is projected to reach \$60 billion by the year 2020 and \$240 billion by the year 2040 if medical research has not discovered an effective treatment.

The facts also show that one out of every two women have a lifetime risk of bone fractures due to osteoporosis, and that it affects half of all women over the age of 50 and an astounding 90 percent of all women over 75. Perhaps the most tragic consequences of osteoporosis occur with the 250,000 individuals annually who suffer a hip fracture. Twelve to 13 percent of these persons will die within 6 months following a hip fracture, and of those who survive, a 20 percent will never walk again, and 20 percent will require nursing home care—often for the rest of their lives.

We all know that osteoporosis cannot be cured, although with a continued commitment to research in this area I remain hopeful that we will find one. We also know that once bone mass is lost, it cannot be replaced. Therefore, early detection is our best weapon because it is through early detection, that we can thwart the progress of the disease and initiate preventative efforts to stop further loss of bone mass.

Bone mass measurement can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate and quick. Our expanding technology is adding new methods to determine bone mass and we need to keep up with this technology. The most commonly used test currently is DXA dual energy x ray absorptiometry.

In order to ensure that we detect bone loss early, we need to ensure that older women have coverage for bone mass tests. According to the National Osteoporosis Foundation, only about one half of private insurance policies cover these tests for diagnostic purposes, and the Federal Medicare coverage is inconsistent in its coverage depending on where an individual resides. For example, Medicare currently covers the DXA test in 42 States—including my home State of Maine. But it is not covered in 4 States and the District of Columbia, and it is covered only in parts of 4 additional States, some of which are our most populous, including New York.

This patchwork coverage means that an older woman who lives in Florida will be covered, but if she moves to Pennsylvania, she will not be. And a Medicare beneficiary living in Baltimore will be covered, but if she moves to Rockville, Medicare will not cover the test.

Mr. President, a woman shouldn't have to change zip codes to obtain coverage for a preventive test, especially when early intervention is the only action we can take right now to slow the

loss of bone mass. Once it is lost, it cannot be replaced.

The Medicare Bone Mass Measurement Standardization Act will clarify the Medicare coverage policy for DXA testing to make it uniform in all States. It also will provide an expanded definition of the types of tests covered for bone mass measurement in order to keep up with the expanding technology in this area.

We all know that "an ounce of prevention is worth a pound of cure". This bill will ensure that older women, regardless of where they live, will have access to bone mass measurement technology that will help detect bone loss and allow preventive steps to be taken. It is our only weapon right now in the fight against osteoporosis.

I hope my colleagues will join me in supporting this bill.●

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1119. A bill to define the circumstances under which earthquake insurance requirements may be imposed by the Federal Home Loan Mortgage Corporation on a specifically targeted State or area; to the Committee on Banking, Housing, and Urban Affairs.

THE EARTHQUAKE INSURANCE AVAILABILITY ACT  
OF 1995

● Mrs. FEINSTEIN. Mr. President, I introduce the Earthquake Insurance Availability Act of 1995.

The purpose of this legislation is to ensure that all 50 States in our Nation are treated equally by the Federal Home Loan Mortgage Corporation with respect to special insurance requirements, specifically earthquake insurance.

The legislation I am introducing today specifies that earthquake insurance requirements targeted to a specific state, by the Federal Home Loan Mortgage Corporation, may be imposed only after the State insurance commissioner for the affected State certifies in writing that: First, reasonable insurance capacity exists in the State; and, second, compliance would not cause undue hardship for citizens of the State.

Mr. President, nobody in this Chamber is more aware of the threat of earthquakes than I am. I have seen the devastation they can cause, and I know of the terrible hardships, loss of life, and loss of property they leave behind.

Let me begin by saying that I believe everyone should have adequate insurance on their home to protect against hazards—including natural disasters.

The problem is, however, that adequate insurance is not always available. This is especially true, in California, with respect to earthquake insurance.

The truth is no region of our country is immune to natural disasters. In the last decade, different parts of our Nation have been hit by hurricanes, tornadoes, floods, cyclones, earthquakes, volcanic eruptions, and firestorms, and

I believe that it is essential that Congress enact natural disaster legislation as quickly as possible.

That is why I am a cosponsor of the Natural Disaster Protection and Insurance Act recently introduced by the distinguished Senator from Alaska, Senator STEVENS, and the distinguished Senator from Hawaii, Senator INOUE.

In the interim, however, my State of California which has experienced significant earthquakes in recent years—the Loma Prieta earthquake in 1989; and the Northridge earthquake in 1994—has experienced a sharp drop in the availability of earthquake insurance.

Simply stated, since the Northridge earthquake, many major insurers have pulled out of the California market. Many others have increased their premiums to such a point that they are beyond the reach of many homeowners, and even then there are very steep deductibles.

Recently the situation became much worse, for owners of California condominiums, when the Federal Home Loan Mortgage Company—commonly known as Freddie Mac—issued a policy requiring earthquake insurance, only for California condominiums, as a condition of purchase of mortgages.

I believe this policy, which targets only one State, is inappropriate for a federally chartered corporation which was created by Congress in 1970 to ensure a stable flow of mortgage funds for the entire Nation.

This policy which, in a way, redlines my State, is designed to minimize Freddie Mac's loss in the event of a future earthquake in California.

I can understand why the corporation feels the need to protect its shareholders from potentially lower dividends. But Freddie Mac, while a stockholder-owned corporation, enjoys considerable tax benefits by virtue of its Federal charter.

I believe that those benefits are provided by the American taxpaying public—which includes, I might add, many Californians—to assist Freddie Mac in accomplishing its mission of helping more Americans become homeowners.

California still lags the Nation in its recovery, and the economy there is very fragile. In implementing its new policy, Freddie Mac, in effect, is reducing the number of options for California homeowners, and this will have a direct impact on the value of their homes. I believe this sets a dangerous precedent for other parts of the country which are prone to natural disaster.

I am not unsympathetic to Freddie Mac's position, and I have indicated a willingness to sit down with them and work out a solution. But that solution must take into consideration the underlying problem—which is the lack of earthquake insurance availability.

In addition, the solution must take into consideration not only the protection of Freddie Mac's investors. It

must also include the protection of the homeowners of my State, for it is they whom I was elected to represent.●

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries.

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 678, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 760

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 760, a bill to establish the National Commission on the Long-Term Solvency of the Medicare Program.

S. 833

At the request of Mr. HATCH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 959

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain