WELFARE REFORM ACT/Elimination of the Mandatory Family Cap

SUBJECT: **Family Self-Sufficiency Act of 1995 . . . H.R. 4. Domenici modified amendment No. 2575 to the Dole modified perfecting amendment No. 2280 to the committee substitute amendment.**

ACTION: AMENDMENT AGREED TO, 66-34

SYNOPSIS: As reported with a committee substitute amendment, H.R. 4, the Family Self-Sufficiency Act of 1995, will overhaul six of the Nation's ten largest welfare programs.

The Dole modified perfecting amendment would strike the provisions of the committee substitute amendment and insert in lieu thereof substitute provisions, entitled "The Work Opportunity Act of 1995."

The Domenici modified amendment would strike the "family cap" from the Dole substitute amendment. That cap would forbid States from using family assistance block grant funds to make cash payments to support children born to mothers on welfare. The cap would permit the States to give vouchers to support such children. (Family assistance block grants would be created by the Dole amendment; they would replace all current Aid to Families with Dependent Children (AFDC) programs (AFDC Cash Assistance; AFDC Administration; Emergency Assistance; JOBS Program; IV-A Child Care; Transitional Child Care; and At-Risk Child Care); the Dole amendment would provide States block grant funding for the next 5 years at these programs' FY 1994 funding level).

Those favoring the amendment contended:

Argument 1:

One State in America, New Jersey, has a so-called family cap to deny cash welfare benefits for any child who is born to a mother who is already on welfare. To say the least, that cap, which is only 2-years old, has engendered a great deal of controversy. Almost before the ink was dry on New Jersey's law groups both for and against it were releasing their analyses which they said "proved" the correctness of their diametrically opposite positions. In our opinion, neither side is right. The evidence is mixed. Proponents say that

(See other side)

YEAS (66)			NAYS (34)			NOT VOTING (0)	
Republicans (20 or 37%)	**Democrats (46 or 100%)**		**Republicans (34 or 63%)**		**Democrats (0 or 0%)**	**Republicans (0)**	**Democrats (0)**
Abraham	Akaka	Inouye	Ashcroft	Inhofe			
Bennett	Baucus	Johnston	Brown	Kempthorne			
Bond	Biden	Kennedy	Burns	Kyl			
Chafee	Bingaman	Kerrey	Campbell	Lott			
Cohen	Boxer	Kerry	Coats	Mack			
D'Amato	Bradley	Kohl	Cochran	McCain			
DeWine	Breaux	Lautenberg	Coverdell	McConnell			
Domenici	Bryan	Leahy	Craig	Murkowski			
Gorton	Bumpers	Levin	Dole	Nickles			
Hatch	Byrd	Lieberman	Faircloth	Pressler			
Hatfield	Conrad	Mikulski	Frist	Santorum			
Jeffords	Daschle	Moseley-Braun	Gramm	Shelby			
Kassebaum	Dodd	Moynihan	Grams	Smith			
Lugar	Dorgan	Murray	Grassley	Thomas			
Packwood	Exon	Nunn	Gregg	Thompson			
Roth	Feingold	Pell	Helms	Thurmond			
Simpson	Feinstein	Pryor	Hutchison	Warner			
Snowe	Ford	Reid					
Specter	Glenn	Robb					
Stevens	Graham	Rockefeller					
	Harkin	Sarbanes					
	Heflin	Simon					
	Hollings	Wellstone					

EXPLANATION OF ABSENCE:
1—Official Buisiness
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

the number of babies born to mothers on welfare in New Jersey has declined, and the abortion rate has not changed by a statistically significant amount; opponents say that the abortion rate has increased, and the number of babies born to mothers on welfare has not declined significantly. The truth is that neither change has been that significant. Putting all opinions aside, from a totally dispassionate, analytical point of view, there is neither proof that this cap encourages abortion nor that it discourages illegitimacy.

There is one hard fact from the New Jersey data that neither side in this debate can deny, though. That fact is that 6,000 children have been born to mothers already on welfare, and benefits for those babies have been denied. All Senators should find this fact to be disquieting. Those babies have not done anything wrong, yet they are being treated much worse than other children born to indigent mothers. In effect, they are being punished because their mothers were irresponsible. Under the Dole amendment, every State in the country would be required to emulate New Jersey. We do not think that it is advisable to make every State copy an inconclusive program that definitely has one very negative result. At the same time, though, we do not think the Federal Government's track record in identifying successful approaches to welfare reform is anything about which to brag. Therefore, we have offered the Domenici amendment, to make the imposition of a family cap optional. If a State believed that such a cap would help end welfare it could enact it. However, if it thought it would just result in punishment of children while other efforts were made to move their parents from the welfare rolls to work, it would not have to enact it. The Domenici amendment would leave it up to the States. We urge Senators to give this amendment their support.

Argument 2:

The problem with a family cap is that it is based on the faulty assumption that the main problem with the current welfare system is that it encourages mothers to have numerous illegitimate children. However, most women on welfare have only one or two children. Study after study has confirmed that increasing welfare benefits results in more women having illegitimate children and enrolling on welfare, but the size of welfare families has not grown over the years. Paradoxically, those studies have also shown that the size of welfare families actually is greater in areas that offer lower benefits. We note, therefore, that the family cap does not address the problem. We agree with our colleagues that as a public policy matter we should not be encouraging illegitimacy, but we also note that it is the provision of any welfare benefits, not the provision of welfare benefits for additional children while on welfare, that seems to have led to our current problem.

With that said, we are not certain that the solution to discouraging illegitimacy is to eliminate welfare. Processes that move in one direction do not necessarily work in reverse. Eliminating welfare could simple result in millions of destitute women and children, with no change in behavior. The illegitimacy ratio could continue to rise, could remain the same, or could decline. We all may have our opinions as to what might happen, but we have little conclusive social science evidence to support our opinions.

Some Senators may question the government's responsibility or even right to concern itself with attempting to manipulate social arrangements in order to discourage illegitimacy in support of traditional nuclear families. Those Senators are increasingly in the minority, though, largely because it has become ever more apparent that government policies have been unwittingly destroying such families for the past several decades. Perhaps government should not be involved, but its policies have already made it involved, and destructively so. The fragmentation of the family has had tragic consequences for illegitimate children. In many communities, the bar sinister has become the norm, but rather than being a jolly ornament it has remained a significant curse on the lives of those who wear it. Decades of depressing experience have shown that illegitimacy and dependency are accompanied by low achievement, criminal behavior, licentiousness, substance abuse, and numerous other social pathologies at distressingly high rates.

Over the course of the debate on this bill Senators have frequently mentioned the law of unintended consequences. Many Senators have mentioned, including in the debate on this amendment, that current government policy has the unintended consequence of discouraging two-parent, working families from having children, and of encouraging one-parent, non-working families to have children. This consequence makes a eugenic government selection, no matter how unintended, against traditional, two-parent, self-sufficient families. Eliminating welfare would not be a eugenic decision against dependent, illegitimate families; it would be an elimination of the current eugenic policy in favor of them. However, placing a family cap on welfare families would not eliminate the government bias in favor of dependency and illegitimacy; it would only modify it to being a bias in favor of small, dependent, illegitimate families.

With our colleagues, we favor welfare reform. With our colleagues, we are deeply desirous of reducing illegitimacy. Unlike our colleagues, though, we are deeply concerned that the Dole amendment would miss its mark, producing its own unintended consequences. One such unintended consequence that we are fairly certain would occur is that the family cap would deny benefits for some children on welfare, but would not reduce the rates of illegitimacy or dependency for the reasons already discussed. We therefore urge our colleagues to vote in favor of the Domenici amendment to make the family cap provisions optional.

Those opposing the amendment contended:

The Domenici amendment would preserve the status quo. The status quo is that one of three babies are born out of wedlock in America, and the reason is that the Federal Government is subsidizing most of those births by supporting those women and their

babies. Before the Federal Government provided such subsidies, the illegitimacy rate was low. Women waited until they were married to have children, and their husbands, instead of the Government, provided support.

Government-sponsored illegitimacy has been a disaster. Children who are born out of wedlock suffer from more than poverty--they do worse in school, are more likely to become criminals, are more likely to become drug abusers, and are more likely to fail in life in virtually every other possible measure. The Federal Government has driven fathers from 1 out of 3 homes and the children are the worse for it.

The Dole amendment would partially remove the Federal subsidy as a means of discouraging illegitimacy. It would forbid the use of Federal funds to provide additional benefits to support any children who were born to mothers who were already on welfare. Some Senators believe that this measure is punitive. However, we do not consider it to be punitive to remove a subsidy for women to have more illegitimate children. Working American families do not get checks from the Government to have kids. They must scrimp and save from the amounts that they have left over after the Government has taxed them. A large part of those taxes, of course, go to pay for women who irresponsibly have one child after another and collect bigger and bigger welfare checks. If it is punishment to take away a subsidy from welfare mothers who are irresponsibly having more and more children, then average, hard-working Americans who do not now have a subsidy are right now being punished.

Some Senators have said that if one believes that stopping the Government practice of paying welfare mothers to have more and more children will stop them from having those children then one must also believe in the tooth fairy. We inform them that we believe in history. History tells us that people will engage in more of any behavior if they are paid more to engage in that behavior. History tells us that before the Government subsidized illegitimacy, only 1 in 20, instead of 1 in 3, births in America were illegitimate. History tells us we should reject the Domenici amendment.