SENATE RECORD VOTE ANALYSIS

104th Congress — September 15, 1995, 11:37 a.m.

1st Session — **Vote No. 433** — Page S-13639 Temp. Record

WELFARE REFORM BILL/Deeming Requirements

SUBJECT: **Family Self-Sufficiency Act of 1995 . . . H.R. 4. Simon amendment No. 2509 to the Dole modified perfecting amendment No. 2280 to the committee substitute amendment.**

ACTION: AMENDMENT REJECTED, 35-64

SYNOPSIS: As reported with a committee substitute amendment, H.R. 4, the Family Self-Sufficiency Act of 1995, will overhaul 6 of the Nation's 10 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 Simon amendment would strike the provision that would set 5 years as the "deeming" period for those immigrants who were in the United States as of the date of enactment of this Act. (Non-refugee immigrants to the United States, as a condition of immigration, must convince immigration officers that they will not become public charges at any time. Immigrants commonly make this demonstration by obtaining affidavits of support from sponsors in the United States. An affidavit, which is not legally binding, promises that a sponsor will provide for the support of an immigrant for 3 years. Some Federal means-tested benefit programs have "deeming" periods. During a deeming period, the income and assets of an immigrant's sponsor are counted as part of the immigrant's income and assets in determining the immigrant's eligibility for benefits. The length of deeming periods varies by program. For those immigrants already in the United States, the Dole amendment would set a uniform Federal deeming period of 5 years for all but a few exempt programs. For future immigrants, affidavits of support would be made legally enforceable in State and Federal courts. Sponsors would agree to be legally liable for supporting immigrants until they had worked 40 quarters (10 years) in the United States. The deeming period for all non-exempt Federal programs for future immigrants would be for the duration of their affidavits of support.)

Those favoring the amendment contended:

(See other side)

YEAS (35)			NAYS (64)			NOT VOTING (1)	
Republicans (4 or 8%)	**Democrats (31 or 67%)**		**Republicans (49 or 92%)**		**Democrats (15 or 33%)**	**Republicans (1)**	**Democrats (0)**
Chafee	Akaka	Kerrey	Abraham	Helms	Baucus	Stevens-[2]	
Hatfield	Bingaman	Kerry	Ashcroft	Hutchison	Biden		
Mack	Boxer	Lautenberg	Bennett	Inhofe	Bradley		
Specter	Breaux	Leahy	Bond	Jeffords	Bryan		
	Bumpers	Levin	Brown	Kassebaum	Byrd		
	Conrad	Lieberman	Burns	Kempthorne	Exon		
	Daschle	Mikulski	Campbell	Kyl	Feingold		
	Dodd	Moseley-Braun	Coats	Lott	Ford		
	Dorgan	Moynihan	Cochran	Lugar	Harkin		
	Feinstein	Murray	Cohen	McCain	Heflin		
	Glenn	Nunn	Coverdell	McConnell	Hollings		
	Graham	Pell	Craig	Murkowski	Kohl		
	Inouye	Pryor	D'Amato	Nickles	Reid		
	Johnston	Sarbanes	DeWine	Packwood	Robb		
	Kennedy	Simon	Dole	Pressler	Rockefeller		
		Wellstone	Domenici	Roth			
			Faircloth	Santorum			
			Frist	Shelby			
			Gorton	Simpson			
			Gramm	Smith			
			Grams	Snowe			
			Grassley	Thomas			
			Gregg	Thompson			
			Hatch	Thurmond			
				Warner			

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

Compiled and written by the staff of the Republican Policy Committee—Don Nickles, Chairman

The Simon amendment would strike the Dole amendment provision that would place a 5-year deeming period on all cash and non-cash means-tested benefits for immigrants who were already in the country. That provision is unfair because it would change the rules for those immigrants in the middle of the game. For example, thousands of immigrants who are now eligible for means-tested student loans, and who came to America with the understanding that they would be eligible, would be ineligible under the Dole amendment for such loans because their sponsors' income and assets would count as their own. Setting a 5-year deeming period would be doubly unfair because sponsors of immigrants are currently only required to promise support for 3 years. Out of basic fairness, we urge the adoption of the Simon amendment.

Those opposing the Simon amendment:

Any alien who came to this country with the intention of ever in his or her life taking any form of public assistance came under false pretenses. By law, no immigrants are allowed to enter unless they can convince immigration officials that they will never be public charges. The students our colleagues speak of, if they really entered this country with the intention of receiving public assistance to attend college, should be thrown out of the country for lying to immigration officers. We have no sympathy for students of such low character.

As for the fairness of a 5-year deeming period, we note that current law for the Supplemental Security Income Program has a 5-year period, and we further note that the President has suggested a 5-year period for both the Aid to Families with Dependent Children Program and the Food Stamp Program. Deeming periods are not set by immigration officials--they are set by Congress. The fact that sponsors of immigrants already in the country signed affidavits to provide support for 3 years is irrelevant. Those sponsors also assured immigration officials that the aliens they sponsored would never become public charges. As we see it, "never" is a lot longer than 3 years.

Those sponsors unfortunately do not have a legal commitment to provide the support they promised for 5 years, 3 years, or even a day (the Dole amendment would fix this problem by making affidavits legally binding and by lengthening the support period to 10 years), but they have a moral commitment. Right now, they can promise to provide support, and the day the immigrants they sponsor set foot in the country they can refuse to give them a penny and instead sign them up for various forms of public assistance. We think that sponsors who have promised to provide support, and who refuse to provide that support, are effectively guilty of theft from the taxpayers when the people they have sponsored enroll on welfare.

It is therefore eminently reasonable (and we believe rather generous) to have a deeming requirement of 5 years. The bottom line is that the immigrants who are now in this country and their sponsors promised they would never become public charges. The Dole amendment would generously allow that promise to be broken after 5 years even if a sponsor were richer than Midas. Our colleagues must remember that the ability to pay is what this debate is all about--if a sponsor were broke, deeming his assets to be the immigrant's assets would not affect the immigrant's eligibility for benefits. The question that our colleagues need to ask themselves is should sponsors who have promised to pay and are able to pay support the immigrants they have sponsored, or should the American taxpayers be forced to pick up the tab. We believe the former, and thus urge the rejection of the Simon amendment.