

NLWJC - Kagan

DPC - Box 060 - Folder-004

Welfare - Domestic Violence [3]

wp-domestic violence



Cynthia A. Rice

11/19/97 06:00:55 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Diana Fortuna/OPD/EOP, Andrea Kane/OPD/EOP

cc:

Subject: Welfare and domestic violence update

HHS today held a meeting with domestic violence advocates regarding the regulation and they said it was generally well received, although the advocates of course want to review the details. Our friend Pat Reuse of the NOW Legal Defense Fund was there and apparently saw some merit to our structure. By contrast, Senator Murray's staff was still somewhat difficult at Monday's briefing of Hill staff, although HHS thinks that won us points with Senate Republicans. Per our earlier emails, I will put last week's weekly report summary on the "hot issues" sheet for the President's trip to Washington this weekend.

On a related matter, Bonnie Campbell of DOJ's Violence Against Women office is speaking at SUNY Stonybrook on Friday, and I've faxed her our summaries so she can be on message.



WV - Domestic violence



Cynthia A. Rice

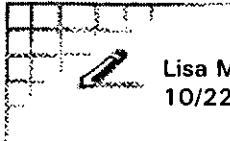
10/22/97 05:27:09 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Diana Fortuna/OPD/EOP
Subject: letter to Murray/Wellstone

I have not yet persuaded OMB not to respond to this old letter from Murray and Wellstone, but I'm still trying. I'm now trying to get Sally Katzen's shop to object since the reg is under review. They've asked me to revise their draft letter which is awful.

----- Forwarded by Cynthia A. Rice/OPD/EOP on 10/22/97 05:28 PM -----



Lisa M. Kountoupes
10/22/97 03:43:48 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: letter to Murray/Wellstone

Cynthia, the Director wants to respond to the Senators. I have watered this down to say almost nothing. How does this look? If there is a particular sentence that is of concern to you, please let me know if you could suggest a modification. thanks

Dear:

Thank you for sharing your views on the Wellstone/Murray Family Violence Option provision that was contained in the Senate-passed budget reconciliation bill. The provisions would have given states discretion to issue temporary waivers from various requirements in their welfare plans to victims of domestic violence.

The Balanced Budget Act of 1997 (BBA) was the result of a long process of bipartisan negotiations. The final legislation contained language requiring a study of the effect of family violence on contributing to the use of welfare programs. Recognizing that your concern was resolved in a manner different than you had hoped for, we must emphasize that the final bill viewed as a whole represents bipartisan consensus, which balances the budget and cuts taxes for middle class families, while protecting important priorities such as education and children's health care.

As you know, there are ongoing efforts to address this concern as a part of the Labor, Health and Human Services fiscal year 1998 appropriations bill.

~~As you and I have discussed, we share your goal of permitting states to grant temporary waivers from the work rules and time limits to victims of domestic violence.~~ We share concerns that you have in this area and believe that the regulation nearing completion at the Department of Health and Human Services will ~~go a long way to~~ address some of them.

WP-domestic violence



Cynthia A. Rice

10/24/97 01:51:18 PM

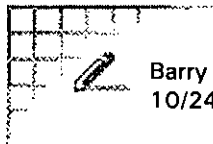
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Diana Fortuna/OPD/EOP

cc:

Subject: Update from Barry re: Labor-HHS/Murray

----- Forwarded by Cynthia A. Rice/OPD/EOP on 10/24/97 01:53 PM -----



Barry White

10/24/97 01:14:36 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Lisa M. Kountoupes/OMB/EOP, Keith J. Fontenot/OMB/EOP, Anil Kakani/OMB/EOP

Subject: Re: Has anything happened in Labor-HHS re: Murray? 

I haven't been able to raise Chow yet, but here's what I'm told by House Democratic staff.

Murray continues to hold out for her language in the bill itself, not the report. Obey spoke in support of her. Republican members opposed. Senate Republican staff have been told to try to craft something "narrower" that might be considered. House D staff don't know what that might be, nor are they being asked to participate.

They don't think a bill language provision can make it through. They have been talked to by Murray staff in a manner similar to the treatment we got.

*Wk - Domestic violence***MEMORANDUM FOR ERSKINE BOWLES****FROM:** Franklin Raines and Bruce Reed**SUBJECT:** Domestic Violence Waivers

Despite our many efforts we have been unable to persuade Senator Murray to embrace our approach on welfare reform and domestic violence. We recommend against supporting her proposal in the Labor-HHS conference given that it is at odds with our policy. We believe the issue would be better addressed through regulation; Secretary Shalala strongly agrees. This memo provides talking points describing our position and provides a brief comparison of the domestic violence amendment offered by Senator Murray and the HHS regulations currently under review.

Talking Points

- We share Senator Murray's goal of allowing states to grant temporary waivers from welfare reform rules to victims of domestic violence while ensuring that these women receive the services they need to become self-sufficient.
- We disagree with Senator Murray about how best to achieve these goals. We believe Senator Murray's proposal would allow states to largely escape the new welfare law's work rules and time limits while failing to provide victims of domestic violence with the services they need to get on the road to self-sufficiency.
- We support a policy that will encourage states to provide temporary waivers to victims of domestic violence and require that they provide services to these women while maintaining the welfare law's strong work focus.

Background

Senator Murray has long advocated a proposal that would exclude victims of domestic violence from the welfare work requirements and time limits. The Senate adopted her amendment as part of the Senate Labor-HHS bill, which is now in conference. Senator Murray's proposal has passed the Senate several times, but has always been dropped in conference. Our Statement of Administration Policy on the Labor-HHS bill does not mention her amendment. Senator Murray has long been aware that both the DPC and HHS have serious reservations about her approach to this issue.

Currently, states can exempt victims of domestic violence from work

requirements and time limits, so long as they put 30 percent of their overall caseload to work and enforce the time limit for 80 percent of their caseload. Senator Murray's approach would change the law by allowing states to grant exemptions to these women wholly independently of the overall work and time requirements. This approach would significantly weaken the welfare law's emphasis on work: for example, if 15 percent of the caseload were granted domestic violence waivers, then only 15 percent of the total caseload would have to work. At the same time, Senator Murray's proposal would do nothing to ensure that victims of domestic violence actually get the intensive assistance they need to become self sufficient; indeed, the proposal might well lead states to wholly ignore these women.

DPC, OMB, and HHS believe there is a better way to meet our and Senator Murray's joint goals, although Senator Murray strongly disagrees. We have been working on regulations clarifying that HHS will not subject states to penalties if they fail to meet the work rates because they have exempted victims of domestic violence, so long as their exemptions are temporary and the state also provides services to help these women become self-sufficient. In particular, the proposed regulation will:

- Ensure that domestic violence waivers (1) are based on an individualized assessment, (2) have limited duration and (3) are accompanied by an appropriate services plan designed to provide safety and lead to work. These provisions would help ensure that victims of domestic violence get the assistance they need and that states grant waivers only for individuals who need them.
- Excuse states from a penalty for failing to meet its work participation rate if the state meets the rate for the part of its TANF population that has not been granted domestic violence waivers.

(Within the Administration there is still some dispute between us and HHS over excusing states that grant domestic violence waivers from the 5-year time limit as well as from work requirements. We are currently discussing middle ground positions and hope to work through this dispute at the staff level.)

Both OMB and DPC believe that the proposed rule we are working on with HHS will result in a fair policy which balances our goals of protecting victims of domestic violence and ensuring the strong work focus of welfare reform. We believe it is critical that real services be provided to victims of domestic violence and that states not be penalized for providing these specialized services, but also that states not be given loopholes to escape work requirements or time limits.

Despite our efforts to address Senator Murray's concerns, we do not expect that

she will be satisfied with any proposal that falls short of her amendment. However, based on HHS consultation with outside groups during the regulation development process, we do believe that many women's advocates will understand how much our proposal does to help victims of domestic violence.

Wp - domestic violence



Cynthia A. Rice

10/29/97 06:22:54 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Diana Fortuna/OPD/EOP

cc: Anil Kakani/OMB/EOP, Laura Emmett/WHO/EOP

Subject: Revised Murray Language

Ann Grady/Senator Murray has some revised statutory language -- I think as a result of our conference call -- which she faxed to Mary Bourdette and may be offering in the Labor-HHS conference tonight. It is an attempt to come closer to us, but it doesn't quite do the trick. Here's how it seems to work:

- 1) States can grant as many domestic violence waivers as they want (current law);
- 2) Individuals with waivers are not counted in the work participation or time limit calculation (same as Murray's prior proposal);
- 3) If a state would have failed the participation rate or time limits but for step #2, then the Secretary may review the waivers granted by the state and may "revoke any waivers" that the "Secretary finds were not granted in good faith." Presumably this "revocation" puts those individuals back in the calculation.

Problems I see:

a) The Secretary doesn't have the authority to revoke the waivers granted to individuals....and thus they wouldn't be put back in the calculation....so the mechanism doesn't quite work here. -

b) The burden of proof has shifted somewhat: here, the Secretary finds "bad faith waivers" in order to increase the participation rate, rather than lowering the participation rate for waivers granted appropriately.

c) Waivers don't have to include services, or be temporary, or be granted based on an individual assessment, i.e., to people who really need them.

Anil, I'll fax you a copy.

BR - unacceptable

Domestic Violence

The Administration firmly supports welfare reform that:

- ▶ protects victims of domestic violence and encourages States to adopt the Family Violence Option (FVO).
- ▶ promotes work and ensures that states meet the work participation rates (which require that 30% of States' adult caseload participate in work activities in FY 98, rising to 50% by FY 2002.)
- ▶ provides assistance to needy families on a temporary basis and ensures that states meet five year time limits on federal assistance (for 80% of their caseload).
- ▶ provides states with broad flexibility to design welfare programs, while holding them accountable for meeting critical work and time limit provisions.

Since the enactment of the historic welfare reform legislation, the Administration has worked with federal, state and local officials, experts and advocates, including domestic violence advocates, all around the country to develop policies to ensure that the new legislation is implemented in a manner that is consistent with the above goals. The development of policies to strictly enforce the work and time limit provisions and to give states incentives to implement the Family Violence Option was an especially important challenge.

The Administration does not support the Murray amendment because it allows States to exclude victims of domestic violence in calculating work rates and time limit exceptions and fails to require States to grant waivers that are temporary, based on individualized assessment and include services.

The Administration does support a policy that:

- ▶ requires States to include victims of domestic violence in the calculations of their work participation rates and the time limit exceptions.
- ▶ endorses the Family Violence Option and clearly advises states that temporary waivers from program requirements may be granted to victims of domestic violence.
- ▶ authorizes HHS to excuse States that adopt the FVO from financial penalties when their failure to meet work and, at least in some circumstances, time limit requirements is attributable to the granting of domestic violence waivers that are based on individual assessments, are temporary, and include individualized safety and service plans.

By allowing States this critical protection from financial penalties, we believe that the policy encourages States to adopt the Family Violence Option (22 States have adopted the FVO to date) and gives them a strong incentive to provide appropriate services to protect the safety of victims and prepare them for work. At the same time, this policy holds States accountable for meeting the tough work participation rate and time limit provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

WP - Domestic violence

202 224 0756 P. 02/02

OCT-29-1997 10:03

: Provided further, That, notwithstanding any other provision of law, for fiscal year 1998, an adult recipient of benefits under title IV-A of the Social Security Act who is a victim of severe abuse and has been medically proven to be incapacitated for a period of 30 or more days shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a) of such Act

Speaker
Proposal

Compromise language to Murray amendment.

During Federal fiscal year 1998, and adult victim of domestic violence as defined in sec 401(a)(7)(B) of the Social Security Act shall not for purposes of section 407 of the SSA be treated as recipient of assistance under the state program funded under part A of title IV of the Social Security Act.

~~and~~
~~as evidenced~~
~~by medical,~~
~~police or~~
~~court records~~

and
as evidenced
by medical,
police or
court records

345-5730

Domestic Violence

The Administration firmly supports welfare reform that:

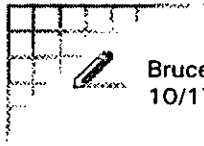
- ▶ protects victims of domestic violence and encourages States to adopt the Family Violence Option (FVO).
- ▶ promotes work and ensures that states meet the work participation rates (which require that 30% of States' adult caseload participate in work activities in FY 98, rising to 50% by FY 2002.)
- ▶ provides assistance to needy families on a temporary basis and ensures that states meet five year time limits on federal assistance (for 80% of their caseload).
- ▶ provides states with broad flexibility to design welfare programs, while holding them accountable for meeting critical work and time limit provisions.

Since the enactment of the historic welfare reform legislation, the Administration has worked with federal, state and local officials, experts and advocates, including domestic violence advocates, all around the country to develop policies to ensure that the new legislation is implemented in a manner that is consistent with the above goals. The development of policies to strictly enforce the work and time limit provisions and to give states incentives to implement the Family Violence Option was an especially important challenge.

The Administration believes that this challenge can be met with a policy that:

- ▶ requires States to include victims of domestic violence in the calculations of their work participation rates and the time limit exceptions.
- ▶ endorses the Family Violence Option and clearly advises states that temporary waivers from program requirements may be granted to victims of domestic violence.
- ▶ clearly protects States that adopt the FVO from financial penalties when their failure to meet work and time limit requirements is attributable to the granting of domestic violence waivers that are based on individual assessments, are temporary, and include individualized safety and service plans.

By allowing States this critical protection from financial penalties, we believe that the policy encourages States to adopt the Family Violence Option (nearly 30 States have adopted the FVO to date) and gives them a strong incentive to provide appropriate services to protect the safety of victims and prepare them for work. At the same time, this policy holds States accountable for meeting the tough work participation rate and time limit provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.



Bruce N. Reed
10/17/97 01:28:07 PM

Record Type: Record

To: Jason S. Goldberg/WHO/EOP

cc:

Subject: Follow up on EB notes

In response to EB's notes in the last few days:

1. Wofford memo re AmeriCorps: Sylvia and I have discussed this memo, and recommend that the President do a service-related event around Thanksgiving -- perhaps a radio address announcing legislation to reauthorize AmeriCorps. DPC staff is in regular touch with Wofford and his staff, and we'll work it out with them.

2. Letter from safety advocates on airbags: At EB's request, we have been working with Kempthorne and NHTSA on a more acceptable compromise on crash testing and airbags. We appear to have succeeded in getting Kempthorne to modify his amendment in a way that satisfies NHTSA's and the Administration's concerns. It is not clear whether that will be enough to satisfy Joan Claybrook (who sent the letter you forwarded to me), but we're better off than we were.

3. Sen. Murray follow-up: We put an item on this in our Oct 9. weekly, which you should have. In brief, DPC and OMB explained the approach HHS will take on domestic violence and welfare reform in an upcoming regulation, and suggested language to Murray's staff. (The HHS approach gives states the ability to offer good cause exemptions for victims of domestic violence, but requires the states to provide them with services and doesn't gut the work requirements.) Murray wasn't satisfied with the Administration's approach, and may try to insist on her amendment, which is unacceptable to the House (HHS, DPC, and OMB don't like her approach either). Harkin may propose a compromise which explicitly calls on HHS to regulate on this matter, which we would welcome -- but that may not be enough for Murray. We'll keep you posted.

WP - domestic violence

1 SEC. ____ PROTECTING VICTIMS OF FAMILY VIOLENCE.

2 (a) FINDINGS.—Congress finds that—

3 (1) the intent of Congress in amending part A
4 of title IV of the Social Security Act (42 U.S.C. 601
5 et seq.) in section 108(a) of the Personal Respon-
6 sibility and Work Opportunity Reconciliation Act of
7 1996 (Public Law 104-193; 110 Stat 2112) was to
8 allow States to take into account the effects of the
9 epidemic of domestic violence in establishing their
10 welfare programs, by giving States the flexibility to
11 grant individual, temporary waivers for good cause
12 to victims of domestic violence who meet the criteria
13 set forth in section 402(a)(7)(B) of the Social Secu-
14 rity Act (42 U.S.C. 602(a)(7)(B));

15 (2) the allowance of waivers under such sections
16 was not intended to be limited by other, separate,
17 and independent provisions of part A of title IV of
18 the Social Security Act (42 U.S.C. 601 et seq.);

19 (3) under section 402(a)(7)(A)(iii) of such Act
20 (42 U.S.C. 602(a)(7)(A)(iii)), requirements under
21 the temporary assistance for needy families program
22 under part A of title IV of such Act may, for good
23 cause, be waived for so long as necessary; and

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S.L.C.

1 (4) good cause waivers granted pursuant to sec-
 2 tion 402(a)(7)(A)(iii) of such Act (42 U.S.C.
 3 602(a)(7)(A)(iii)) are intended to be temporary and
 4 directed only at particular program requirements
 5 when needed on an individual case-by-case basis, and
 6 are intended to facilitate the ability of victims of do-
 7 mestic violence to move forward and meet program
 8 requirements when safe and feasible without inter-
 9 ference by domestic violence.

10 (b) CLARIFICATION OF WAIVER PROVISIONS.—

11 (1) IN GENERAL.—Section 402(a)(7) of the So-
 12 cial Security Act (42 U.S.C. 602(a)(7)) is amended
 13 by adding at the end the following:

14 “(C) NO NUMERICAL LIMITS.—In imple-
 15 menting this paragraph, a State shall not be
 16 subject to any numerical limitation in the
 17 granting of good cause waivers under subpara-
 18 graph (A)(iii).

19 “(D) WAIVERED INDIVIDUALS NOT IN-
 20 CLUDED FOR PURPOSES OF CERTAIN OTHER
 21 PROVISIONS OF THIS PART.—Any individual to
 22 whom a good cause waiver of compliance with
 23 this Act has been granted in accordance with
 24 subparagraph (A)(iii) shall not be included for
 25 purposes of determining a State's compliance

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1 with the participation rate requirements set
2 forth in section 407, for purposes of applying
3 the limitation described in section
4 408(a)(7)(C)(ii), or for purposes of determining
5 whether to impose a penalty under paragraph
6 (3), (5), or (9) of section 409(a).

7 "(E) SECRETARIAL REVIEW.—If, but for
8 the provisions of subparagraph (D), a State
9 would fail to comply with the participation rate
10 requirements set forth in section 407, exceed
11 the limitation described in section
12 408(a)(7)(C)(ii), or have a penalty imposed
13 under paragraph (3), (5), or (9) of section
14 409(a), the Secretary may review the good
15 cause waivers granted by a State under sub-
16 paragraph (A)(iii) to determine whether the
17 State has granted such waivers in good faith,
18 and may revoke any waivers that the Secretary
19 finds were not granted in good faith."

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) takes effect as if it had been in-
22 cluded in the enactment of section 103(a) of the
23 Personal Responsibility and Work Opportunity Rec-
24 onciliation Act of 1996 (Public Law 104-198; 110
25 Stat. 2112).

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1 (c) FEDERAL PARENT LOCATOR SERVICE.—

2 (1) IN GENERAL.—Section 453 of the Social
3 Security Act (42 U.S.C. 653), as amended by sec-
4 tion 5534 of the Balanced Budget Act of 1997
5 (Public Law 105-33; 111 Stat. 627), is amended—

6 (A) in subsection (b)(2)—

7 (i) in the matter preceding subpara-
8 graph (A), by inserting “or that the
9 health, safety, or liberty of a parent or
10 child would be unreasonably put at risk by
11 the disclosure of such information,” before
12 “provided that”;

13 (ii) in subparagraph (A), by inserting
14 “, that the health, safety, or liberty of a
15 parent or child would be unreasonably put
16 at risk by the disclosure of such informa-
17 tion,” before “and that information”; and

18 (iii) in subparagraph (B)(i), by strik-
19 ing “be harmful to the parent or the child”
20 and inserting “place the health, safety, or
21 liberty of a parent or child unreasonably at
22 risk”; and

23 (B) in subsection (c)(2), by inserting “, or
24 to serve as the initiating court in an action to

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1 seek and order," before "against a noncusto-
2 dial".

3 (2) STATE PLAN.—Section 454(26) of the So-
4 cial Security Act (42 U.S.C. 654), as amended by
5 section 5552 of the Balanced Budget Act of 1997
6 (Public Law 105-33; 111 Stat. 635), is amended—

7 (A) in subparagraph (C), by striking "re-
8 sult in physical or emotional harm to the party
9 or the child" and inserting "place the health,
10 safety, or liberty of a parent or child unreason-
11 ably at risk";

12 (B) in subparagraph (D), by striking "of
13 domestic violence or child abuse against a party
14 or the child and that the disclosure of such in-
15 formation could be harmful to the party or the
16 child" and inserting "that the health, safety, or
17 liberty of a parent or child would be unreason-
18 ably put at risk by the disclosure of such infor-
19 mation"; and

20 (C) in subparagraph (E), by striking "of
21 domestic violence" and all that follows through
22 the semicolon and inserting "that the health,
23 safety, or liberty of a parent or child would be
24 unreasonably put at risk by the disclosure of
25 such information pursuant to section 453(b)(2),

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1 the court shall determine whether disclosure to
2 any other person or persons of information re-
3 ceived from the Secretary could place the
4 health, safety, or liberty of a parent or child
5 unreasonably at risk (if the court determines
6 that disclosure to any other person could be
7 harmful, the court and its agents shall not
8 make any such disclosure);".

9 (3) EFFECTIVE DATE.—The amendments made
10 by this section shall take effect 1 day after the effec-
11 tive date described in section 5557(a) of the Bal-
12 anced Budget Act of 1997 (Public Law 105-33).

Calls

~~Thursday, October 02, 1997 11:07:00 AM~~

~~Called to give you a heads up that she will be briefing Quinn Dodd from Senator Hutchinson's office next week on the Texas college investigation~~

~~Norma Cantu Planned~~

~~Education~~

~~10/2/97 11:07 AM~~

~~205-9953~~

~~Thursday, October 02, 1997 12:01:00 PM~~

~~Please call re crack cocaine; he was going to call Jose~~

~~Chuck Ruff Planned~~

~~Counsel's Office~~

~~10/2/97 12:01 PM~~

~~62632~~

~~Thursday, October 02, 1997 4:37:00 PM~~

~~Please call re tobacco~~

~~Caroline Fredickson Planned~~

~~Senator Daschle's Office~~

~~10/2/97 4:37 PM~~

~~224-2321~~

~~Thursday, October 02, 1997 5:23:00 PM~~

~~PLEASE call re: food safety; 6:30 deadline tonight~~

~~James Bennett Planned~~

~~New York Times~~

~~10/2/97 5:23 PM~~

~~862-0339~~

WR - domestic violence

[Handwritten scribble]

STEP

Sen Murray -

FR said was working on doing sth in ref arena

she said: not enuf.

Laid out things that had to be done -

- had to get services
- not cause financial penalty
- new-ref work come out
- temp exemptions / not perm.

Said: Look into it / get back to you

all thing in my TP that were included in ref.

Nothing given to her.

Will say: You're right; can do; here's a time certain for the ref; or here's stat language. Looks responsive.

05/27/97 15:47

05/27/97 15:37

NOWLDEF → 4567028

001

NO. 098 001

WR - Domestic violence

N O W Legal Defense and Education Fund

"Defining and Defending Women's Rights for 27 Years"

119 Constitution Ave, NE Washington, D.C. 20002 (202) 544-4470 fax: (202) 546-8605 e-mail nowldefdc@aol.com

F A X

Date: 5/27/97

Fax#: 456-7028

To: Bruce Reed

From: Pat Reuss

of pages, incl. cover: 2

Comments:

Good news! The House's "Sense of Congress on Family Violence Option Clarifying Amendment" was added unanimously to the Senate Budget Resolution on May 21. Enclosed is a copy of the Congressional Record where Senator Domenici, in a strong show of bi-partisan support, offered this important clarification. I hope this helps HHS as it writes regulations and guides the states about this important clarification. Please let us know if there is anything more we need to do.

Please note that we have a new mailing address, but are still in our same office. Thanks

"Thank you for supporting our work through your generous year-end donation"

1914 on CFC/United Way

S4872

CONGRESSIONAL RECORD — SENATE

May 21, 1997

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

The amendment is as follows:

Insert at the appropriate place the following new section:

SEC. SENSE OF THE SENATE SUPPORTING SUFFICIENT FUNDING FOR VETERANS PROGRAMS AND BENEFITS

(a) FINDINGS.—The Senate finds that— (1) veterans and their families represent approximately 27 percent of the United States population;

(2) more than 30 million of our 26 million living veterans served during wartime, sacrificing their freedom so that we may have ours; and

(3) veterans have earned the benefits promised to them.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the assumptions underlying this Budget Resolution assume that the 602(b) allocation to the Department of Veterans Affairs will be sufficient in FY98 to fully fund all discretionary veterans programs, including medical care; and

(2) funds collected from legislation to improve the Department of Veterans Affairs' ability to collect and retain reimbursement from third-party payers ought to be used to supplement, not supplant, an adequate appropriation for medical care.

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

The amendment (No. 344) was agreed to.

Mr. DOMENICI I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 345

(Purpose: To express the sense of the Congress concerning domestic violence)

Mr. DOMENICI. Mr. President, on behalf of Senator MURRAY I offer a sense of the Senate regarding family violence option clarifying amendment. This was accepted by the U.S. House in their budget resolution. I see no reason why we should not accept it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) for Mrs. MURRAY proposes an amendment numbered 345.

Mr. DOMENICI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT

(a) FINDINGS.—Congress finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that 1/3 of battered women surveyed had lost a job partly because of being abused

and that over 1/4 of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over 1/2 of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the Budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding the provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

SEC. 1 SENSE OF CONGRESS

It is the sense of Congress that the provisions of this Resolution assume that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers under section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements whose compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

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

The amendment (No. 345) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 346, 347, AND 348

Mr. DOMENICI. We can save a little bit of time because we have a number of amendments that are going to qualify and Senators do not have to stand up and go through all of that maneuvering. I ask unanimous consent the amendments that I send to the desk be considered as having been offered by their appropriate sponsor and thus qualified as under the previous order, and further they be considered as having been set aside. I do this en bloc for the Senators enumerated on the amendments.

The PRESIDING OFFICER. The clerk will report by number.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes amendment numbers 346, 347, and 348.

Mr. DOMENICI. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 346

(Purpose: to require that the \$25 billion CBO revenue receipt windfall be used for deficit reduction and tax relief, and that non-defense discretionary spending be kept at a freeze baseline level)

On page 3, line 2, decrease the amount by \$2.5 billion.

On page 3, line 4, decrease the amount by \$2.5 billion.

On page 3, line 5, decrease the amount by \$2.5 billion.

On page 3, line 6, decrease the amount by \$2.5 billion.

On page 3, line 7, decrease the amount by \$2.5 billion.

On page 3, line 11, increase the amount by \$2.5 billion.

On page 3, line 13, increase the amount by \$2.5 billion.

On page 3, line 13, increase the amount by \$2.5 billion.

On page 3, line 14, increase the amount by \$2.5 billion.

On page 3, line 15, increase the amount by \$2.5 billion.

On page 4, line 4, decrease the amount by \$13.7 billion.

On page 4, line 5, decrease the amount by \$2.4 billion.

On page 4, line 5, decrease the amount by \$3.2 billion.

On page 4, line 7, decrease the amount by \$4.8 billion.

On page 4, line 8, decrease the amount by \$5.7 billion.

On page 4, line 12, decrease the amount by \$5.3 billion.

On page 4, line 13, decrease the amount by \$16.9 billion.

On page 4, line 14, decrease the amount by \$28.7 billion.

On page 4, line 15, decrease the amount by \$14.6 billion.

On page 4, line 16, decrease the amount by \$46.8 billion.

On page 4, line 19, decrease the amount by \$22.5 billion.

On page 4, line 20, decrease the amount by \$22.5 billion.

On page 4, line 21, decrease the amount by \$22.5 billion.

On page 4, line 22, decrease the amount by \$22.5 billion.