United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, WEDNESDAY, APRIL 24, 1996 No. 54

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by the guest Chaplain, Maj. Tom Sillanpa of the Salvation Army.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Maj. Tom Sillanpa, Salvation Army, Westfield, IN, offered the following prayer:

O righteous Father and merciful God of hope, we would pause and ponder Thy Word from the psalmist: ''Mercy and truth are met together; righteousness and peace have kissed each other.''—Psalm 85:10. O Lord, Your covenant love and justice, our faithfulness and heart's repose, happily bless and unite Your people. It is the answer of hope, a message of peace and salvation, certain when God and men meet upon this terrestrial plain. We see an upright beam upholding Thy law. Ah! yet another, a horizontal beam picturing Thy loving-kindness—outstretched arms of mercy which would embrace the whole world. O Father, grant Thy well-being to our dear Senators serving Thee in righteousness. It exalts our Nation and brings glory to Thy name. Continue to mold a godly character in us all as we face the future unafraid and show unexpected strength and vision. For evil shall perish and righteousness shall reign in God's own good time as surely as the morning cometh. We pray in Jesus' holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Good morning, Mr. President. Thank you very much.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 10 a.m. with Senators permitted to speak for up to 5 minutes each with Senator HATCH permitted to speak for up to 15 minutes.

At 10 a.m. the Senate will resume consideration of Calendar No. 361, which is S. 1664, the immigration bill. Amendments are pending now to the immigration bill. Therefore, rollcall votes can be anticipated on that measure during today's session.

We may receive a short-term continuing resolution also from the House today. It is expected that the Senate would consider that appropriations matter when it is received.

The Senate may also consider any other legislation that can be cleared for action.

Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak for up to 5 minutes each.

The Senator from Delaware is recognized.

RUSSIAN AGRICULTURAL IMPORT QUOTAS

Mr. ROTH. Mr. President, there are few things more disappointing and disturbing than broken promises. Despite repeated assurances from Russian officials that they sincerely desire to fully abide by the principals of free and fair trade, they are once again considering barriers against the import of agricultural products.

I have to add that there are few things more worrisome than to have our President visit Russia and tell us everything is OK when it is not. And this appears to be the case when it comes to United States-Russian trade relations.

Yesterday, Russian Deputy Prime Minister Alexander Zaveryukha announced his Government's plans to introduce food import quotas that will focus primarily on poultry purchases, the vast majority of which come from the United States. The Deputy Prime Minister himself even emphasized that it is American poultry products against which these import quotas are directed.

This is particularly outrageous in light of Russian Prime Minister's Chernomyrdin's assurances to Vice President GORE that Moscow was going to back away from unfair trade practices that the Prime Minister announced last February against agricultural imports into Russia.

Russia's new effort to restrict the import of American poultry products should not surprise us. For the last 6 months Moscow has persistently been trying to ban the import of American poultry products. First, they tried to impose a bogus health ban. When it became clear that could not fly, they have been trying to increase tariffs against our poultry products. Now, they are talking about import quotas.

A decision by Moscow to impose import quotas, higher tariffs, or any other sanctions against American agricultural products would be most unfortunate. This is particularly true in the case of poultry. The amazing growth of in our chicken sales in Russia over the past 5 years demonstrates that Russian consumers recognize the quality and reasonable price of United States poultry. Needless to say, import quotas will only end up hurting United States poultry producers, Russian consumers, and the United States-Russian trade relationship.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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I want to emphasize that this issue has repercussions that go well beyond poultry. Indeed, agricultural import quotas are very much part of a broad turn toward protectionism in Russian economy policy.

This trend toward protectionism is particularly disturbing when seen in the light of overall United States-Russian Trade and United States foreign assistance programs to Russia. Today, the United States is running a trade deficit with Russia that amounts to over $2 billion annually. Import quotas against poultry and other agricultural imports will only further restrict access to the Russian market by our most competitive exports and will further widen our trade deficit with Russia.

This is particularly outrageous when one considers that since 1992 the United States has provided some $2.44 billion in foreign assistance to Russia. Much of this assistance is designed to help Russia develop a fully functioning free market economy. The American people would be well justified in questioning such assistance to countries that close their markets to U.S. exports.

Should Russia actually decide to impose trade quotas against American exports, it is essential that United States Government respond with forceful and immediate measures.

How we respond to protectionist policies by Moscow will be closely watched by other beneficiaries of American foreign assistance, particularly those among the former Republics of the Soviet Union. Thus, Russia's increasing protectionism and our response to it must be viewed through the lens not only of trade, but also the broader dimensions of United States relations with Russia, Central and Eastern Europe, and the world.

Mr. President, I am convinced that we must send a strong message to Russia that we will not tolerate such blatant protectionism. Any less of a response will only send the wrong signal to Moscow and other nations that protectionism is a legitimate policy tool that they can use with impunity.

The Russian Government must understand that free trade is a two-way street. If they want to benefit from our foreign assistance, sell their products and services to us, expand their economy, and become a full participant in the global market place, then they are going to have to let us sell our products and services to them. If they insist on erecting protectionist trade barriers, such as the import quotas, then they must fully understand that there will be a heavy price to pay.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as if in morning business.

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

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1697 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

COMMEMORATING THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today marks the 81st anniversary of the Armenian genocide. Between 1915 and 1923, the Ottoman Empire in Turkey subjected the Armenian people to a brutal campaign of genocide that resulted in the deaths of 1½ million people. Those who were not immediately killed died during the forced deportation of the Armenian population. One-third of the Armenian people died during these 8 tragic years.

The crimes committed against the Armenians are among the worst atrocities in human history. Tragically, this cruel and massive slaughter was only the first of a succession of state-sponsored genocides carried out in this century. The recent mass graves uncovered in Bosnia remind us that the world has still not learned the lessons of the history of the Armenian, Jewish, and Cambodian people.

I commend the Armenian Assembly of America and the Armenian National Committee of America for their impressive continuing efforts to educate Americans about Armenian history and culture. The tireless work of these two effective organizations gives renewed hope and assurance that the extraordinary sacrifices of the Armenian people will never be forgotten, and that the remarkable continuing contributions of Armenians to this country and many other lands will always be remembered and honored.

HEALTH INSURANCE REFORM ACT

Mr. HATCH. Mr. President, yesterday the Senate reported by a unanimous vote of 100 yeas to 0 the Health Insurance Reform Act, S. 1028.

This legislation is designed to help millions of Americans gain access to health insurance coverage as well as keep their coverage when changing or losing their jobs.

Over the past several days, I have received numerous telephone calls and inquiries from across the country regarding the antifraud and abuse provisions which were added to the bill last week. I understand that many of my colleagues in the Senate and House have received similar phone calls. These individuals have expressed concern over the bill's implications for alternative medicine as well as for services provided by nonmedical health care providers.

As my colleagues know, the Senate approved on Thursday, April 18, 1996, an amendment by Senators DOLE and ROTH that contained a substantive new health care antifraud and abuse program. These provisions, now contained under title V of S. 1028, were essentially developed by my colleague, the distinguished Senator from Maine, Senator COHEN.

The antifraud and abuse provisions are designed to provide for a more coordinated Federal and State approach in addressing health care fraud and abuse, which is currently costing the Federal Government and private payers billions of dollars a year.

This is an issue which has been the subject of numerous congressional hearings in both the Senate Judiciary Committee and in the Special Committee on Aging over the past several years.

It is evident there is a need for a more enhanced program to appropriately address the growing and deliberate menace by perpetrators who deliberately scheme to defraud public and private payers of scarce health care dollars.

The health care antifraud and abuse provisions are not new to the Senate or the House. In large part, they were formulated from the legislation developed by Senator COHEN, S. 1088, and were, in fact, similar to the provisions included in the Balanced Budget Act as passed by the Congress late last year.

Mr. President, I am concerned, however, that the antifraud provisions could have unintended consequences and adversely impact the care provided by health care professionals who utilize alternative therapies, such as herbal treatments, or other nonmedical health care providers.

It is certainly not my desire, and based on my discussions, nor the intent of my colleague Senator COHEN who drafted the original antifraud language, that these provisions in any way impede consumers from access to alternative or nonmedical treatment therapies.

And, I would add that Senator COHEN and I specifically addressed these concerns in our colloquy on the floor of the Senate last Thursday, April 18, 1996, although I know that many people still have concerns.

I want to assure my colleagues in both the Senate and House—and especially those individuals in the alternative and nonmedicine community—that I will continue my efforts to clarify, where necessary, and fine-tune the language as the bill moves to the conference committee.

FOREIGN OIL CONSUMED BY THE UNITED STATES. HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports

that for the week ending April 19, the United States imported 7,300,000 barrels of oil each day—712,000 barrels fewer than the 8,012,000 barrels imported during the same period a year ago.

This is one of those rare weeks when less oil was imported in 1996 than in 1995. Nevertheless, as the box scores I regularly insert into the RECORD indicate, the trend is steadily upward.

Americans now rely on foreign oil for more than 50 percent of their needs, and there is no sign that this upward trend will abate. Before the Persian Gulf war, the United States obtained 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the calamity that will result if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States.

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LIEBERMAN. Mr. President, today we commemorate the 81st anniversary of the Armenian genocide, a horrendous crime against humanity which cannot be denied.

Beginning on April 24, 1915—81 years ago today—the declining Ottoman Empire undertook a systematic effort to kill or drive out the Armenian people. By 1923, more than 1 million Armenians perished as a result of execution, starvation, disease, the harsh environment, and physical abuse. Others were driven from their homeland.

The terrible tragedy that befell the Armenian people was the first systematic genocide in this century. Unfortunately, it was not the last. The Nazi Holocaust, Stalin's purges, and the killings of Cambodians by the Khmer Rouge are all further examples of brutality and death carried out in the name of the state. In Bosnia, American leadership and united international diplomacy and intervention has finally brought an end to the genocidal ethnic cleansing, though ethnic divisions there will be long in healing.

We mark this date in history because it is so important that we remember. We must remember the Armenian genocide and other abuses of state authority against ethnic minorities. We must remember all of the victims of crimes against humanity. Our memory, our vigilance, is essential to ensuring that these acts do not happen again, to Armenians or any other group.

The Armenian people and their culture have survived. The Armenian-American community is thriving in a land where cultural and ethnic diversity are increasingly valued. And the collapse of the Soviet Union gave rise to an independent, democratic Armenian state.

So let us remember the Armenian genocide, let us be vigilant to prevent such crimes in the future, and let us celebrate the Armenian people, who have overcome this tragedy to thrive in independent Armenia and in America.

GOLDEN GAVEL AWARD RECIPIENTS

Mr. DOLE. Mr. President, I am pleased today to announce the Senate's Golden Gavel Awards for the 104th Congress.

Each Congress, one important tradition we have is to honor colleagues who preside over the Senate for more than 100 hours. As all Senators know, presiding is frequently a difficult, thankless, and tiring task.

I would like to take this opportunity to thank all of the Golden Gavel recipients today for their tireless efforts. I know that all Senators join me in congratulating our colleagues.

The recipients are as follows: Senator MIKE DEWINE, Senator ROD GRAMS, Senator BILL FRIST, Senator JOHN ASHCROFT, Senator RICK SANTORUM, Senator FRED THOMPSON, Senator SPENCE ABRAHAM, Senator CRAIG THOMAS, Senator JON KYL, and Senator JIM INHOFE.

CHILD LABOR—NOT WITH THE RUGMARK LABEL

Mr. KENNEDY. Mr. President, a year ago this month, a young child labor activist, Iqbal Masih, was killed in his village in Pakistan. In 1994, when Iqbal traveled to the United States to receive the Reebok Human Rights Award, he also met with the students at Broad Meadows Middle School in Quincy, MA. After Iqbal's death, the students at Broad Meadows decided to honor his memory by building a school in Iqbal's village.

Earlier this month, the students announced that they have raised $100,000 for a school which will be built by Sudhaar, a nongovernmental organization in Pakistan. Their dedication and commitment to Iqbal's dream assure that he will live on in the hearts and minds of all those who will have a better chance in life because of the school they are building. Armed with the advantages of education, these children in Pakistan will be able to improve their own lives and the lives of their families, their communities, their country, and even our common planet.

Last November, one of the recipients of the Robert F. Kennedy Human Rights Award was Kailash Satyarthi, head of the South Asian Coalition on Child Servitude, an independent nongovernmental organization dedicated to the eradication of child labor and bonded labor in the carpet industry.

Mr. Satyarthi and his colleagues have established what is known as the Rugmark label, to identify carpets which have not been made with child labor. They are urging consumers to purchase only carpets which carry the label.

Mr. President, on the anniversary of Iqbal's death, Albert Shanker, president of the American Federation of Teachers, has urged all Americans to honor the Rugmark label. I ask unanimous consent that Mr. Shanker's appeal be printed in the RECORD.

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

[From the New York Times, Apr. 14, 1996]

KNOTTED RUGS

(By Alert Shanker)

The murder of Iqbal Masih, a year ago this week, forced many Americans to look at a problem they would have preferred to avoid: child labor in developing countries. Iqbal was a world-famous human rights activist. He was also a young Pakistani boy whose mother had sold him to a rug maker when he was four. Iqbal eventually freed himself, and by the time he was murdered, at the age of twelve, he had helped free 3,000 other bonded child laborers. That is probably why he was murdered. But many millions of children in Pakistan, India, and other developing nations continue to work as gem stone polishers, glass blowers, and makers of matches, fireworks, clothing and hand-knotted rugs, often conditions that are unspeakable.

Children who knot rugs are crowded into filthy, poorly lit shops that have minimal ventilation for as many as 16 hours a day, 7 days a week. They are often chained to their looms, and they risk being beaten or even killed if they try to escape. Many die anyway because of horrible conditions under which they work. Manufacturers consider young children to be desirable ''employees'' because they work hard and put up with pay and conditions that adults would not tolerate. The children receive no more than a couple of cents a day for their work; many get nothing.

A number of developing nations—India and Nepal, for example—have laws on the books banning child labor. Nevertheless, you hear some people using hard-nosed economic arguments to justify exploitation of children. They say that if child labor is what it takes to bolster the economy in a developing country, that's the price the country has to pay. And it's really nobody else's business anyway. But many of these countries also have very high unemployment among adults. Why shouldn't companies hire adults so that parents can support their children instead of having to sell them into bondage?

However, we don't have to wait for the companies making hand-knotted rugs to get religion (or for countries that are dragging their feet to start enforcing their child labor laws). These rugs are an important export item, and people who buy them can have a big say about the conditions under which they are made. The traditional weapon used by people who want to protest economic injustice is the boycott: Don't buy the product. But a boycott only punishes, and it often punishes those who act responsibly as well as those who don't.

An Indian child advocate named Kailash Satvarthi had a better idea. He established a nonprofit foundation that allows consumers to identify and buy hand-knotted rugs that are not made with child labor. Rugmark, as the foundation is called, inspects companies that apply for certification and vouches for the fact that they are not using child labor to make their hand-knotted rugs. Inspectors also pay surprise visits to Rugmark-certified companies to make sure they continue to abide by their commitment to use adult

labor only. Consumers can recognize Rugmark rugs by a label that only they will carry.

Rugmark, which is now two years old, has signed up and certified 15 percent of the companies producing hand-knotted rugs in India. A number of others are moving toward certification, but the process is complicated and many carpet makers are understandably hostile to the idea of losing a cheap, excellent, and plentiful supply of labor. So far, the total production of Rugmark rugs has gone to Germany, where the country's largest mail order firm and several large department stores have agreed to carry them. But Rugmark has recently opened up shop in Nepal, with the support of 70 percent of the carpet manufacturers there. These rugs will soon be available for import to the U.S. It's up to American consumers to start talking to stores and catalog companies that carry hand-knotted rugs. They should let the businesses know that they do not want rugs made by children, and they should urge them to put pressure on the importers they deal with.

This coming week, the first Rugmark-certified rugs imported to the U.S. will be auctioned off at a ceremony commemorating the anniversary of Iqbal Masih's death last year. If American consumers do their part, these rugs should be the first of many.

CONFERENCE REPORT TO ACCOMPANY S. 735

Mr. BYRD. Mr. President, 1 year ago last week the American people were forced to experience the unimaginable when terrorists placed a bomb in a Federal building in Oklahoma City, killing 168 innocent citizens, some of them children. In response to that grisly deed, as well as the earlier bombing of the World Trade Center in New York City, and the downing of Pan American flight 103 over Scotland, the United States Senate passed S. 735, the ''Comprehensive Terrorism Prevention Act,'' on June 7, 1995. The measure, I think it is important to note, was supported by 91 Senators, myself included.

I supported that bill because I believed it was a good piece of legislation that went a long way toward helping law enforcement agencies combat the rising scourge of domestic terrorism. It was an effective measure with many important provisions—important crime-fighting tools—specifically designed to thwart this growing menace. Our goal, or so I thought, had been to stop domestic terrorism before it could happen; to let terrorists know that they were going to be put down before they could carry out their cowardly acts.

When S. 735 left the Senate last June, there were provisions in the bill that would have permitted Federal law enforcement agencies to pursue known or suspected terrorist groups with the same means that those agencies now employ when pursuing organized crime, or murderers, or bank swindlers. And, as I said, those provisions were endorsed by 91 Senators.

Unfortunately, though, what started out last June as a very worthwhile effort, has this past week been reported back by the conference committee disemboweled. In fact, this measure has been so thoroughly gutted that I do not see how anyone can honestly call it a terrorism ''prevention'' bill. Almost every provision designed to enhance the effectiveness of law enforcement officials, almost every provision designed to make it more difficult for the terrorist to operate, and almost every provision that was fashioned to put a stop to this type of activity, was simply sacrificed in conference.

Mr. President, consider this: The original Dole-Hatch bill, and the version that passed the Senate, contained language that would have added certain terrorist offenses to the current long list of crimes for which Federal law enforcement authorities can seek a wiretap. Using weapons of mass destruction, providing material support to terrorists, or engaging in violence at international airports—all of these were activities for which a wiretap could have been sought. But the language that would have added those crimes to the wiretap list was dropped by the conference committee. Consequently, what that means is that, right now, the FBI can institute a wiretap on someone suspected of bribing a bank officer, but not on someone who may be about to attack the New York City subway system with poisonous gas.

That is ludicrous. It simply boggles the mind. If this is supposed to be a bill to ''prevent'' terrorism, then how can we tie the hands of law enforcement authorities like that? What kind of message does that send to some deranged individual who may be plotting a terrorist activity? What does that say to those organizations that practice international terrorism and may be planning to target the United States? Chasing terrorists with fewer tools than we would use to apprehend someone suspected of bribing a bank official is not, in my opinion, the way to ''prevent'' terrorism.

When the Senate considered S. 735 last year, it added, by a vote of 77 to 19, a provision that would have allowed law enforcement authorities to obtain what are called multipoint wiretaps. In effect, these special wiretaps allow officials to target an individual suspect rather than an individual telephone. Given the rapid development of communications technology, it is nearly impossible for Federal officials to conduct meaningful investigations of suspected terrorists when all that person has to do is change telephones. Right now, a terrorist can move from his home phone to a car phone to a cellular phone and law enforcement officials—unless they can prove such movement is intentionally meant to thwart the surveillance—will be left in the dust. But the provision to allow multipoint wiretaps was dropped in conference.

Again, such action defies logic. How can we say that we are seriously working to prevent terrorism when we will not even allow officials to keep pace with the terrorists. What message are we sending when we say that the only terrorists worthy of stopping before they act are those stupid enough to use a single telephone? This is not, I am sorry to say, prevention.

Mr. President, last June the Senate also adopted an amendment to S. 735 that would have allowed the Attorney General to request the technical and logistical assistance of the U.S. military in emergency situations involving biological and chemical weapons of mass destruction. Such authority already exists in the case of nuclear weapons. The amendment the Senate adopted merely extended that authority to include biological and chemical weapons.

I believe this was an important amendment because the Armed Forces of this Nation have special capabilities in this area, with individuals who possess the training to counter biological or chemical weapons. The police departments of our country and the fire departments of our country are not equipped to deal with these emergencies. They simply do not have the expertise to handle a biological or chemical weapons attack. So the Senate adopted the provision, by unanimous consent I would note, that allows for the technical expertise of the military to be used should a terrorist attack occur in which biological or chemical weapons are used.

But that provision, too, was dropped by the conference committee. Consequently, we have a bill that purports to prevent terrorism, but hamstrings Federal, State, and local authorities in any case involving biological or chemical weapons.

The citizens of New York City, or of Los Angeles, or of any city in this Nation should not be forced to suffer a nuclear attack from a terrorist organization before they can expect help from the Federal Government. The American people should not be told, as this bill implicitly tells them, that an imminent attack with chemical weapons is not serious enough to warrant the use of the military. The American people should not have to experience, as did the citizens of Tokyo in March 1995, a gas attack in a subway system before their Congress is willing to act.

Last, when S. 735 was passed by the Senate last year, it contained a provision that would have made it a Federal crime for any person to distribute material that teaches someone how to make a bomb if that person intends or knows that the bomb will be used to commit a crime. That provision, offered by Senator FEINSTEIN, was included in the Senate bill by unanimous consent. Not one of our colleagues stood up and objected to it. But, like many of these preventive tools, the Feinstein amendment was dropped by the conference committee.

It is simply absurd to expect this bill to negatively impact terrorists if the Congress is not even willing to prevent the distribution of what amounts to terrorist training manuals. How can

anyone say that this legislation—absent the Feinstein amendment—is a serious effort aimed at prevention? How do we intend to stop a future terrorist from blowing up a Federal building if we will not even take away his instruction manual?

Mr. President, the provisions that I have highlighted here are just some of the provisions that I believe made S. 735, the Comprehensive Terrorism Prevention Act, a good, tough, worthwhile bill. But as I have noted, each of those was dropped from the final product. As such, we have been left with a measure that, in many ways, is simply untrue to its title. No longer, in my opinion, is this bill comprehensive, or directed at prevention. Accordingly, I was compelled to vote against the conference report.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are in morning business?

The PRESIDING OFFICER. The Chair advises the Senator from Iowa we are in morning business with Senators allowed to speak up to 5 minutes each.

THE VOID IN MORAL LEADERSHIP—PART SIX

Mr. GRASSLEY. Mr. President, yesterday I continued my series of talks on this floor on the failure of moral leadership in the White House. I understand that sometime after I spoke—and I am sorry I was not here on the floor to politely listen to what he had to say—my friend from Arkansas, Senator PRYOR, addressed my comments. So I would like to respond to his comments.

First, I want to echo what he said about our long friendship and relationship working together, particularly to protect the taxpayers' interests. And that cooperation includes not just saving billions in defense cost overruns and defective weapons, as he mentioned yesterday, it also included the work that he and I did in passing the taxpayers' bill of rights. That was a bill to protect our taxpayers and to give them more protections against the abusive practices of the IRS.

I have not known a Senator in this body who has been more dedicated to good Government than Senator PRYOR has been. When he retires after this Congress, we will lose not just a respected colleague and friend, but an effective consensus builder. I will miss his leadership and I know my colleagues will as well.

Yesterday my friend from Arkansas defended the President's record on the environment in the wake of criticism that I had raised. What Senator PRYOR said is fair enough. I do not have any problems with that, because the Senator has a right to protect his friend, the former Governor of his home State, when his record has been critiqued, as I have been doing in several speeches on the floor of the Senate.

Apparently my friend from Arkansas misunderstood my comments regarding Earth Day. I did not mean to take exception to the President celebrating Earth Day at our national parks. Earth Day should be celebrated. Environmental protection is and should be a very high priority, and the President should continue to show his commitments to this issue.

But put yourself in my position, or the position of a constituent from my State. I was referring yesterday to the director of the Iowa Department of Natural Resources, who wrote a letter that I placed in the RECORD yesterday.

You can all read it. The director of the Iowa Department of Natural Resources is charged with protecting the environment in my State of Iowa. Yet, as he watched the President tout his environmental record on Earth Day, he is faced with the fact that the President's budget will result in the termination of many important environmental programs. So, for the director of the Iowa Department of Natural Resources, he clearly sees President Clinton's actions falling far short of the rhetoric of the President of the United States.

However, I do find it interesting, Mr. President, that the Senator from Arkansas yesterday, in response to me, failed to address the main points of my remarks. You see, my point was not to critique the President's record on the environment. Rather, it was a troubling pattern that this President has in saying one thing and doing another. My point was also to explain why a pattern like that can be so damaging, because it does two things—first, it continues to nourish the climate of cynicism that has swept the country, and, second, it fails to set a good record for the country, especially for the young people. A country without leaders is a country without direction.

There is no more important attribute for a President, any President, than moral leadership. That is according to a former great President, FDR, former member of the same party as my good friend from Arkansas. I know Senator PRYOR has regard for the judgment and wisdom of Franklin Delano Roosevelt. What did FDR mean when he said moral leadership is the most important attribute of any President? He meant simply it is important for a President to set a good example, the kind of example that we would like to see set for our children by our teachers, by our community leaders, by our little league coaches, and, yes, even our parents.

I have laid out specifically in seven previous speeches where I thought our President has failed to set a proper example. The practice cuts across all issues, not just on the environment. It has happened on the budget, happened on Travelgate, happened on Whitewater, on AmeriCorps, and on combating drugs.

Simply put, the programs do not do what the lofty rhetoric says they do. There is tremendous damage done with this false advertising. It erodes the ability of our Nation's leaders to lead and undercuts their moral authority to lead. That is when cynicism grows.

Mr. President, could I have 3 more minutes, please?

Mr. KENNEDY. Reserving the right to object; I do not intend to object. There was an agreement to lay down the immigration bill at 10 a.m. So, if we can get an agreement to extend the morning hour, if the Senator would ask to extend the morning hour.

Mr. GRASSLEY. By 3 minutes? Five minutes? Ten minutes?

Mr. KENNEDY. Ten minutes.

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

Mr. GRASSLEY. I thought my friend from Arkansas, Senator PRYOR, would have taken issue with my observations that the President has not set a good example for the country and for the young people. I thought he would take issue with some of the people I quoted who made other observations, and I would like to give some examples.

The observation that James Stewart made in his book ''Blood Sport.'' He said the story of Whitewater is about the arrogance of power, about ''what people think they can get away with as an elected official, and then how candid and honest they are when questioned about it.''

Charles Krauthammer, a syndicated columnist, observed why the White House was covering up Travelgate and Whitewater even though there were not any crimes. In January, he noted that ''the vanity of the Clintons is . . . that they are morally superior.'' He said, ''The offense is hypocrisy of a high order. Having posed as moral betters, they had to cover up. At stake is their image.''

The observation of Rouvain Benison, a Democrat, who was quoted in the Washington Post on March 24. He said, ''Whitewater is a symptom, the lack of moral leadership, of moral integrity, strength, courage—all the good things in a person's character.''

The observation of Eric Pooley of Time magazine. He wrote recently that, with this White House, ''speeches are as important as substance and rhetoric becomes its own reality.'' He then quotes a senior White House adviser as saying, ''Words are actions.'' In other words, it is not important what the President does; just listen to what he says.

These are all examples that I have given over the past months in speeches on the floor. I am merely compiling the observations of others, of respected, credible individuals. This is what I thought my friend from Arkansas would have responded to, because the important issue is moral leadership, leading by example, and the many instances—across the board—in which this President has failed to show such leadership.

My friend from Arkansas knows, Mr. President, that I take seriously and

sincerely what Teddy Roosevelt said. I have quoted Teddy Roosevelt a few times on this floor. To paraphrase, he said Americans have a responsibility to critique the President more than any other person in America. To not do so is both base and servile.

My friend also knows that I have spoken out about the leadership of Presidents of my own party. President Reagan busted the budget with his defense spending. I questioned his wisdom and leadership in cracking down on welfare queens while letting welfare queens in the defense industry squeeze through the cracks. I questioned President Bush when he proposed raising taxes in 1990. He promised he would not, but he did; and I criticized him.

Now I am criticizing this President, President Clinton, for failing to set a good example across the board. It is a pattern. It is pervasive. It encourages more cynicism by our people.

If we want to set a good example for the young people of this country and for the next generation, if we want to stop the growing cynicism in this country toward our elected leaders and our institutions, then we must begin by setting higher standards of conduct for ourselves. We must set a good example for our country.

When we do not, Mr. President, when we do not do that, it is precisely because of a failure of moral leadership. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand it, we are in morning business and entitled to address the Senate for 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

THE MINIMUM WAGE

Mr. KENNEDY. I thank the Chair. Mr. President, in just a few moments we are going to return to the immigration bill. We have orders for votes on various amendments. Then, hopefully, we will have the legislation that will be open for amendment. I intend at the earliest possible time to offer an amendment on increasing the minimum wage. I would be more than glad to enter into a time limitation so that our side would have 30 minutes and the other side would have 30 minutes. It seems to me that the 13 million families that will be affected by the minimum wage are entitled to have at least 30 minutes of the U.S. Senate's time in order to make their case before the U.S. Senate, and it seems to me that they are entitled to a decision by the U.S. Senate as to whether we are going to provide some economic justice and decency for those Americans who have been left out and left behind on the lower rung of the economic ladder—who are working hard, trying to provide for their families, and still existing in poverty.

Mr. President, I think the urgency for offering that amendment is just emphasized once again by what the leader in the House of Representatives talked about just yesterday, that he, Mr. ARMEY, as the House majority leader, has indicated his continued opposition to the increase in the minimum wage. What he is basically talking about is a brand new entitlement program, the elimination of the earned income tax credit, which is a lifeline to working families, particularly working families with children. All of us understand that the earned income tax credit, which Ronald Reagan himself said was the best poverty program, provides help and assistance for working families with children. The minimum wage makes a difference for those families. For the individual or couple who does not have children, the increase in the minimum wage makes the greatest difference to them.

But what Mr. ARMEY is talking about is the elimination of the earned income tax credit. He says we will develop a program. Who will run it? The IRS, the Internal Revenue Service. They are going to be the ones who run a new entitlement program.

Now, Mr. President, he says this will save $15 billion. You know where that $15 billion is going to come from? It will come from those who benefit from the earned income tax credit, who are the neediest working families in this country.

The increase in the minimum wage will provide $3.7 billion a year to these families. So, in effect, what he is saying is we will take the earned income tax credit away from those families, we will put in the Internal Revenue Code a subsidy program, and the subsidy program, which will be paid for by Federal taxpayers, generally will be contributed to by other workers.

Mr. President, it is about time we had a clear vote and a clean vote on the increase in the minimum wage. We have a bipartisan group here in the U.S. Senate, Republicans and Democrats alike, who have supported the increase in the minimum wage. We are going to take the first opportunity that presents itself, after the disposition of these votes, to offer that with a time limit so the American people will be able to find out who is on their side.

I would hope that we would be able to work that out as a matter of comity, but we are going to continue to press that issue as we move through with this legislation and other legislation until we have an opportunity to speak for those 13 million families that are, today, being left out and left behind.

There is no excuse for the majority leader not to schedule this program. We would not need to offer this amendment if we were given a reasonable time to debate this on a clean bill and do it at any time of the day or evening that the majority leader wants to do it.

Let us have at least an opportunity to speak to this issue. Mr. Majority Leader, do not deny us economic justice for working families.

Mr. LOTT. Noticing that the manager of the bill is not on the floor yet, I ask unanimous consent that the time for morning business be extended for 10 minutes so I may address some comments to the ones just made and speak briefly about this bill.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, I will not object as long as my friend and colleague will somehow be recognized during consideration of morning business.

Mr. DORGAN. Parliamentary inquiry. My understanding was that morning business was already extended 10 minutes by the unanimous consent, agreed to by the Senator from Iowa, Senator GRASSLEY. If that is the case, the Senator from Mississippi is asking the 10 minutes be added to that time?

Mr. HATCH. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator. First, Mr. President, is that correct, it had already been extended?

The PRESIDING OFFICER. Morning business closes at 10:10.

Mr. HATCH. Mr. President, I was supposed to be accorded 15 minutes for my remarks. I have to make these remarks this morning. I appreciate if it could be extended. I was on the list. Could I follow the distinguished Senator from Mississippi?

Mr. LOTT. Mr. President, if I could inquire of the Chair, does the distinguished Senator from North Dakota desire time also?

Mr. DORGAN. Yes.

Mr. LOTT. How much time is he interested in?

Mr. DORGAN. Eight minutes.

Mr. LOTT. Mr. President, I ask unanimous consent that the time for morning business be extended until 10:30.

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

Mr. HATCH. Could it be in this order: the distinguished Senator from Mississippi, then the Senator from Utah, then the Senator from North Dakota?

Mr. LOTT. I modify the unanimous consent to that effect.

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

Mr. LOTT. Thank you, Mr. President. I thank my colleagues for working with us as we get that worked out.

IMMIGRATION

Mr. LOTT. Mr. President, we are here today going to take up legislation that I hope will pass before the end of this legislative week. It is very important legislation. It is major immigration reform.

We have a problem in America with illegal immigration. We are not controlling our borders. We have illegal immigrants in this country that are taking advantage of the taxpayers of this country. There needs to be some changes. There needs to be some relief in the way we handle immigration in America, particularly as it applies to illegal immigrants.

This legislation has already been delayed a week now while we argue over

whether or not to allow extraneous matters, amendments that are not relevant to this legislation. Whether or not they will be added, it is a distraction. We can work out these matters. They can be offered on other occasions, on other bills. I plead with my colleagues for us to keep our focus on the bill before us—illegal immigration reform. If you want this problem to be dealt with, you have to give us the time to deal with the amendments that are relevant, those that are pending. Others, I am sure, will be welcomed.

We can work on this legislation today and hopefully finish it tomorrow. If we get sidetracked with issues that are not relevant, have not been considered by the committee that is bringing this bill up, it will delay it, maybe even cause it to be withdrawn or maybe not be completed. The American people want this action. We need to face up to doing the right thing.

The Senator makes the point about the minimum wage. I know there are discussions going on now in a bipartisan way, and among the leadership on all sides of the Capitol, both sides of the Capitol, to come up with a way to consider how we address the problems of job security in America.

I am worried about job security. I am worried about people that will lose their jobs and small businesses that could lose jobs in their business or have to pay the costs of what the Senator from Massachusetts is proposing. We need to think about how we proceed on this. I think we can come up with a degree to proceed.

In the meantime, we need to address this problem: How we can help State and local officials in dealing with illegal immigrants. The bill reported from the Committee on the Judiciary focuses on the problem of illegal immigration, entry into the territory without official approval as an immigrant, refugee, or alien. That illegal entry is a crime. We need to start with that. It is a crime. ''Illegal'' means you are doing something that is wrong and is a crime.

It may have extenuating circumstances. It may make sense for those who undertake it to come into this country. Obviously, they are attracted to the free enterprise system in America. They have economic and social concerns for their families. It is a crime and strikes at the heart of one of the conditions of nationhood: the ability to control the borders of our own country. That is what this bill is about and what our debate this week should be about.

I hope we will not be treated to accusations of xenophobia and racism from those who oppose a legitimate crackdown on illegal immigration. You talk about job loss; there are problems where jobs are being improperly taken by these illegal immigrants. What we are trying to do with this legislation is reestablish order and control over the process of entering the United States. Orderly immigration has always been a net good for our country. If we tried to catalog the major contributions—scientific, economic, cultural, patriotic—of immigrants in the last few decades, it would take more time than we could spare here. Just as industrial America grew strong from the human capital of Ellis Island, so is our country's future being created anew by our new citizens that come in from every corner of the world. That is fine.

The Republican platform in 1992, the one some of the news media denounce as antiimmigrant, put it this way:

> Our Nation of immigrants continues to welcome those seeking a better life. This reflects our past, when some newcomers fled intolerance; some sought prosperity, some came as slaves. All suffered and sacrificed but hoped their children would have a better life. All searched for a shared vision—and found one in America. Today we are stronger for their diversity.

Uncontrolled immigration, however, is a different matter. We simply cannot allow our borders to be overrun, our laws flouted, and our national generosity abused. Every year, over one million persons are turned back while attempting illegal entry into this country. But many more are not apprehended and get into the country. There are probably more than 4 million illegal aliens now in this country. Their numbers are growing at about 300,000 to 400,000 people each year. That is unacceptable. The American people are paying a tremendous price because of it.

It was not so long ago that Congress legislated amnesty for persons then illegally in the United States. Hundreds of thousands illegal aliens and undocumented aliens, they were preferred to be called, took the opportunity to regularize their presence here. Many of them have now become citizens. More power to them. But to balance that unprecedented amnesty—and to make sure it need never be repeated—we need to pass this legislation.

I urge my colleagues to keep their focus on this important legislation. We should get it done. It is overdue.

JUDGES AND CRIME

Mr. HATCH. Mr. President, I wish to respond to some of the extraordinary remarks President Clinton made during the recent congressional recess on crime and judicial appointments. Let me note, again, that there is simply no substitute, as a practical matter, for the sound exercise of Presidential judgment in nominating persons to lifetime Federal judgeships.

I find President Clinton's remarks on April 2—which have been echoed by Vice President GORE and by White House aides—concerning the administration's record on judges to be a remarkable effort to dodge the consequences of his own judicial selections and to deflect the attention of the American people from these selections. I welcome the opportunity to set the record straight and to dispel the administration's myths they are attempting to weave to protect their judges and themselves.

MYTH NO. 1

The President said, regarding criticism of his judicial selections, that this side is ''sort of embarrassed'' by our crime record. Vice President GORE repeated this assertion before a group of newspaper editors, and Jack Quinn, the White House counsel, echoed it in yesterday's USA Today. This simply is not true, no matter how many times the President repeats himself. And this from a President AWOL—absent without leadership—in the war on drugs. He mentioned the Brady bill, the so-called assault weapon ban pertaining to 19 firearms, the 100,000 police he keeps talking about, and the 1994 crime bill. I will examine each in turn.

It is the swift apprehension, trial, and certain punishment of criminals that is our best crime prevention mechanism, not the gun control measures the President mentions. Hard-nosed judges, tough prosecution policies, and adequate prison space will do more to control crime than these measures. I might add that it is particularly ironic to hear the President's comment this month. This side of the aisle has just sent the President the product of over a decade of Republican efforts to curb endless, frivolous death row appeals. The bill also places prohibitions on terrorist fundraising; contains provisions on terrorist and criminal alien removal and exclusion; strengthens the laws pertaining to nuclear, biological, and chemical weapons; authorizes $1 billion over 4 years for the FBI, the Drug Enforcement Agency, the INS, U.S. attorneys, the Customs Service, and other law enforcement agencies; and a number of other tough provisions.

Although I expect the President to sign the antiterrorism bill today, he worked against its key restrictions on the abuse of the writ of habeas corpus. He even sent his former White House Counsel, Abner Mikva, to lobby on the Hill to dilute these provisions, which will provide for the swifter execution of death row murderers.

Meanwhile, his Solicitor General, Drew Days, has failed to appeal decisions, such as the case of United States versus Cheely, that may hamper efforts to impose the death penalty on terrorists such as the unabomber in California. During a November hearing chaired by myself and my good friend Senator THOMPSON, the Judiciary Committee learned that the Clinton administration's Solicitor General generally has ceased the efforts of the Reagan and Bush administration to vigorously defend the death penalty and tough criminal laws.

Instead, the Clinton administration's Solicitor General has refused to appeal soft-on-crime decisions to the Supreme Court, and he even has argued before the Court to narrow Federal child pornography laws.

The President talks about 100,000 new police officers. His plan will not add

100,000 police officers to the rolls of our law enforcement agencies.

The 1994 crime bill? When it left the Senate, it was a reasonably tough bill, not perfect, but a solid contribution to the swift apprehension of criminals and tough, certain punishment. By the time the other body and the Clinton administration got through with it, it was softened and loaded with billions and billions of dollars of wasteful pork—old-fashioned Great Society social spending boondoggles. This is why some of us opposed the bill.

Meanwhile, the President abandoned the bully pulpit in the fight against drugs. In 1993, he slashed the drug czar's office. He proposed significant drug enforcement personnel cuts to the Drug Enforcement Agency, the FBI, the INS, the Customs Service, and the Coast Guard. President Clinton has cut America's ability to interdict drug shipments in the transit zone. Through the 1980's and early 1990's, the United States experienced dramatic and unprecedented reductions in casual drug use. But since 1992 drug use among young people has shot back up.

MYTH NO. 2

According to the Clinton administration, there are decisions by Reagan and Bush judges that favor criminals. That is no doubt the case. I do not agree with every decision made by a Republican-appointed judge, nor do I disagree with every decision made by a Democratic-appointed judge. But, on the whole, Republican appointed judges are going to be tougher on crime. And the American people will never see a Republican President appoint a Rosemary Barkett or a Lee Sarokin or a Martha Daughtrey to the Federal appellate bench.

Presidents Reagan and Bush appointed 573 judges to the Federal courts, and some of them have served for more than a decade. They have thousands of decisions they have written, and some of these no doubt will find in favor of a criminal defendant, and sometimes, of course, it is the case that the police or prosecutors have stepped over the line.

President Clinton has appointed 185 judges so far to the Federal bench, and many of them have served for only 2 years. Furthermore, several of these judges consistently have issued decisions that are soft on crime—not just because of their result, but because of their reasoning. That is why I take such care to describe the facts and reasoning of these decisions, because once the American people learn what these activist judges have written, it is clear that they display a tolerant attitude toward crime and drugs.

MYTH NO. 3

The Clinton administration alleges that I and other Republicans have focused on only the same dozen criminal cases. They find references to these cases meaningless, because they do not accurately represent the large number of cases decided correctly.

This answer is a red herring at best. It ignores the obvious fact that some decisions by some courts are more important than others. Decisions by the Supreme Court are far more important than hundreds of decisions by district court judges, because it is the decision of the High Court that binds all others.

Perhaps the most important judges are those who sit upon the 13 Federal courts of appeals, because these courts effectively exercise the final say on most of the cases brought in the Federal courts. President Clinton has appointed 30 judges of the 175 judges who sit on the appellate courts. Most of these judges have been on the bench 2 years of less. But in those 2 years, more than half of those Clinton judges—at least 17 of the 30—have issued or joined activist opinions that have been sympathetic to criminal defendants at the expense of legitimate law enforcement interests, or that have sought to substitute their policy preferences for those of the people as expressed in written law. Judges Sarokin, Baird, and Daughtrey are only the most egregious examples, because their crystal clear track records reflected their activist bent.

But take, for example, Judges Judith Rogers and David Tatel, who have voted with the liberal wing of the D.C. Circuit—probably the second most powerful court in the land—in every important en banc case. In particular, both judges dissented in *Action for Children's Television* v. *F.C.C.* [58 F.3d 654 (CADC 1995) (en banc)], in which the majority—all Reagan and Bush appointees—held that the Government could restrict indecent broadcasts on television during certain hours. Judges Rogers and Tatel joined two Carter judges in arguing that the Government was somehow violating the first amendment. This is activism of the worst sort, and, as the distinguished majority leader pointed out yesterday, at odds with the President's posturing on the V-chip legislation.

Or take, for example, the performance of Judge Martha Daughtrey of the sixth circuit. As I recall it, Vice President GORE was a strong supporter of then Tennessee State Supreme Court Justice Martha Daughtrey when she was nominated to the Court of Appeals for the Sixth Circuit. We had a rollcall vote in the Judiciary Committee on Judge Daughtrey, where I voted against her. I believed she was insufficiently tough on crime. Among the concerns I expressed, when she was a member of an intermediate State court, ''she voted frequently, often in dissent, to reduce prison sentences for convicted criminals or to eliminate them entirely in favor of mere probation.''

My concerns about Judge Daughtrey have been realized in certain respects. In *United States* v. *Garnier* [28 F.3d 1214 (CA6 1994)], police in Johnson City, TN, stopped a car for making a left turn without signaling and for erratic driving. The police believed that the driver might have been under the influence. The traffic infractions alone provided grounds to stop the car.

A field sobriety test of the driver was negative. But, during the stop, police noticed that a passenger reached several times into a bag on the floorboard of the car. Reasonably concerned for their safety, police asked the passenger to exit the vehicle and asked to look in the bag. Passenger Rudolph Garnier consented, but nothing was found.

When police frisked Garnier for weapons, they found a cellular phone, a pocket beeper, and two rolls of cash totaling about $2,100. Police then asked if they could search the trunk. Both the driver and Garnier consented. The police found a shopping bag belonging to Garnier that contained a baggie with a large amount of crack cocaine.

Here, we had erratic driving early in the morning, motions toward a bag, large amounts of cash, a cellular phone, and beeper. Law enforcement officers well know that drug dealers often carry large amounts of cash and use cellular phones and beepers to set up sales. I think most people would find the search reasonable, especially since it came after the voluntary consent of the driver and passenger.

Judge James Ryan of the sixth circuit, appointed by President Reagan, would also agree. When this case came up for appeal, he voted to uphold the legality of the police search. He wrote,

> These items provided the officer with sufficient articulable suspicion to extend the purpose and scope of the stop. No competent police officer in America, in 1993, would fail to suspect, reasonably, that these items suggested that narcotics might well be present somewhere in the vehicle.

Unfortunately for law abiding citizens, Judge Ryan's opinion was a dissent. The majority opinion, written by Judge Daughtrey, and joined by Judge Damon Keith, a Carter appointee, threw the evidence out of the case. They held that unless police had found a weapon on Garnier, police had no right to ask to search the trunk.

Frankly, Judge Daughtrey created this rule out of thin air. The fourth amendment, which Judge Daughtrey did not even quote in her opinion, prohibits only ''unreasonable searches and seizures.'' There is no per se rule that a weapon must be found before an officer can even ask to search further. He only asked for permission to search, it was not a coercive search. And, in fact, the defendant gave permission.

Think about it. In Judge Daughtrey's world, police are not even allowed to ask for permission to search a vehicle unless certain predicates are found to have occurred. Unfortunately, the citizens of Michigan, Ohio, Tennessee, and Kentucky are going to have to live with Judge Daughtrey long after President Clinton has left office.

I will mention one more case involving Judge Daughtrey. In United States versus Long, customs inspectors discovered child pornography videos mailed from overseas to defendant's address. Police obtained a warrant to search the defendant's residence and found 19 magazines, books, and drugs.

Judge Milburn, a Reagan appointee, and senior Judge Weis, a Nixon appointee, upheld the search. Judge Daughtrey dissented on the ground that there was no probable cause to search for additional pornographic material at the defendant's home. She flatly ignored a law enforcement officer's unrebutted affidavit, who said that based on his experience and from experts in the field that it was likely that more examples of child pornography would be found.

These judges are typical of more than half of the Clinton appellate judges. These judges sit on high above the district court judges who make the hundreds and thousands of usually uncontroversial, run-of-the-mill rulings that come up in a trial. These appellate judges make rulings on issues of law that will extend from the case before them to bind the other judges in that circuit on every similar case. The White House has cited decisions by Reagan-Bush judges as being soft on crime, but these decisions are almost exclusively at the trial level and seem to be an aberration for the particular judge. By contrast, I have focused attention previously on the important appellate decisions, and I have focused on particular judges rather than particular aberrational cases. It is clear that President Clinton has put on the bench particular individual judges who are continually activist.

To be sure, there are 13 Clinton appellate judges who have yet to issue activist decisions. But many of them have been on the bench for only a few months, and have yet to issue any significant opinions. And, quite honestly, I have not yet researched all of the decisions of all of these judges. who knows what I will find when I have more time to read these other decisions.

MYTH NO. 4

The Clinton administration maintains that it has appointed only moderate, highly qualified judges because its nominees have received better ratings from the American Bar Association than those received by judges appointed by Republican Presidents. This is truly unconvincing, because the ABA itself is no longer just an impartial trade association; over time it has been transformed into an ideological advocacy group.

The ABA has taken positions on some of the most divisive issues of our day, such as abortion, and it has vigorously lobbied on Capitol Hill against many of the sensible legislation and reforms that we, in the 104th Congress, have pursued. It has lobbied against the flag desecration amendment, against mandatory minimum sentences, against changes in the exclusionary rule, and against habeas corpus reform. It has lobbied for proracial preference and quota legislation and against the 104th Congress' efforts to end them. I question whether an ideological organization such as the ABA can be trusted to play an impartial role in any governmental process, such as judicial selection. It is my hope that the ABA can play an impartial role. Only the future and the ABA's willingness to depoliticize itself, will tell.

MYTH NO. 5

The Clinton administration believes that it is hypocritical for Republicans in the Senate to criticize the Clinton judiciary, because we only voted against confirming a handful of the nominees. To be sure, sometimes we cannot predict how a nominee will act. In those cases where we can, in good faith, predict how a nominee will act, we have opposed the nomination, as in the cases of Judges Barkett, Sarokin, and Daughtrey.

But my main response is to remind the President of first constitutional principles. The Senate's job is only to advise and consent to those individuals nominated by the President. When Presidents Reagan and Bush lived with a Democratic Senate, we, Republicans, argued that the Senate owed some discretion to the President.

We have remained consistent in that position even under a Democratic President. As Alexander Hamilton explained in the Federalist No. 66:

> It will be the office of the president to nominate, and with the advice and consent of the senate to appoint. There will of course be no exertion of choice on the part of the senate. They may defeat one choice of the executive, and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the president.

The words of our Founding Fathers clearly explain why this election is so important. As a practical and as a constitutional matter, the Senate gives every President some deference in confirming judicial candidates nominated by the President. It is the President's power to choose Federal judges, and his alone. A Republican President would not nominate the same judges that a Democrat would, and vice versa. Thus, the American people should keep in mind that when they elect a President, they elect his judges too—and not just for 4 years, but for life. There simply is no substitute for the power to nominate Federal judges.

Finally, I would like to say this: We are not going to treat the Clinton judges the way our judges were treated in the Reagan and Bush administrations. We have treated them fairly. Yes, I would not have appointed very many of those judges. Neither would any other Republican. Neither will Senator DOLE when he becomes President. But the fact of the matter is President Clinton was elected. He is our President. He has a right to choose these judges, and we have an obligation to support those judges unless we can show some very valid constitutional reason or other reason why we should not.

As a general rule, we follow that rule and we do it even though we may not agree with these particular selections. But that does not negate the fact that in retrospect as you look over the record these judges are more liberal. They are deciding cases in a more liberal fashion. They are deciding cases in an activist fashion. They are deciding cases that are soft on crime. And I have to say this is one of the big issues of our time. Are we going to continue to put up with this? Are we going to start realizing that these are important issues? And that is not to say that there are not Republican judges who make mistakes too. But these are more mistakes. These involve philosophy of judging that literally should not be a philosophy of judging. Judges are not elected to these positions. Judges are appointed for life and confirmed for life. They should be interpreting the laws made by those elected to make them, and they should not be making laws as legislators from the bench. Unfortunately, that is what we are getting today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 8 minutes.

ILLEGAL IMMIGRATION

Mr. DORGAN. Mr. President, I hope the Senator from Wyoming, if he has a moment, would have an opportunity to hear what I have to say. The business of the Senate as I understand from the majority leader's announcement is to come back to the bill on illegal immigration which is to be managed by the Senator from Wyoming, Senator SIMPSON.

Let me just in a couple of minutes of morning business say that I will likely vote for the illegal immigration bill. There are a couple of issues in it that I think will be the subject of some controversy. But I think the piece of legislation that has been constructed is worthy, and it is a reasonably good piece of legislation. It addresses a subject that needs addressing, and that should be addressed. I have no problem with this bill at all.

I believe we find ourselves in the following circumstances. Consent was given when the piece of legislation was introduced. Following the introduction of the Dorgan amendment, consent was given to the Simpson amendments. I think they were offered, and those amendments are pending. There is an underlying amendment that I offered that has been second-degreed by Senator KEMPTHORNE from Idaho. That is apparently where we find ourselves.

I wanted to explain again briefly what compelled me to offer an amendment on this piece of legislation. And, if we can reach an understanding with the majority leader, I have no intention to keep the amendment on this legislation. But here are the circumstances.

The majority leader has the right to bring a reconsideration vote on the constitutional amendment to balance the budget at any time without debate

and without amendment. He understands that. We understand that. He has indicated to me now that he does not intend to do that in the coming days. It will probably be in a couple of weeks. But he had previously announced that he would, at some point in April, perhaps mid-April, the end of April, force a reconsideration vote on the constitutional amendment to balance the budget.

The result was because we were going to have no opportunity to debate or to offer an amendment, and because some of us feel very strongly we will vote for a constitutional amendment provided it takes the Social Security trust funds and sets them outside of the other Government revenues and protects those trust funds. If it does that, we would vote for an amendment. We had done that before. There are a number of us on this side who have done that before. We offered it as an amendment. We voted for it. But we will have no opportunity to do a similar thing at this time, and my point was we would like the Senate to express itself on that issue.

The only way I could conceive of doing that was to offer a sense-of-the-Senate resolution. The sense-of-the-Senate resolution was to say that when a constitutional amendment to balance the budget is brought back to the floor of the Senate, it ought to include a provision that removes the Social Security trust funds from the other operating revenues of the Federal Government. We, incidentally, did that previously in an amendment that I believe got 40 votes. If it does, I would vote for it and I think there are probably a half dozen or dozen other Members who would similarly vote for it and we would have 70 or 75 votes for a constitutional amendment to balance the budget.

Because of circumstances and because of the parliamentary situation, I offered that as a sense-of-the-Senate resolution. It was then second-degreed. The Senator from Wyoming became fairly upset about that, and I understand why. He is managing a bill dealing with immigration. He said, ''What does this have to do with immigration?''

Plenty of people have offered amendments that are not germane in the Senate. We do not have a germaneness rule. They have offered them because they felt the circumstances required them to offer them.

The Senator from Massachusetts indicated that he intends to offer an amendment on the minimum wage, increasing the minimum wage on this piece of legislation. My expectation would be, if there were an agreement reached by which the Senate would be able to agree to a vote on the minimum wage at some point, that amendment would go away as well. I do not intend to press my amendment if I can reach an agreement with the majority leader to give us an opportunity to offer, either a constitutional amendment to balance the budget that protects the Social Security trust funds, or some other device that allows us to register on that issue before we are forced to vote on reconsideration.

I want to make just another point on the Social Security issue because I think it is so important. We are not talking about just politics, as some would suggest. Some say there is no money in the Social Security trust fund. That is going to be a big surprise to some kid who tries to ask his father what he has in his savings account, and his father says you have Government savings bonds, but there is really no money there. That is what is in the Social Security trust fund, savings bonds, Government securities. Of course there is money there.

The problem is continuing to do as we have done for recent years, and that is, instead of save the surplus that we every year now accumulate in the Social Security system, $71 billion this year, if we instead use it as an offset against other Government revenues we guarantee there will be no money available in the Social Security trust funds when the baby boomers retire. It is about a $700 billion issue in 10 years, and we ought to address it. It is not unimportant. It is not politics. It might be a nuisance for some for us to require that it be addressed at some point or another, but those of us who want it addressed are not going to go away.

I guess I would say at this point that the two issues that have been raised—the one I have raised by the sense-of-the-Senate resolution I think can be resolved if the majority leader, who was, from our last conversation yesterday, going to be visiting with the Parliamentarian to see if we could find a way to provide a method for a vote on the approach I have suggested and we have previously offered on the constitutional amendment to balance the budget. If that happens, I do not intend to be continuing to press the sense-of-the-Senate resolution that I had previously offered.

I wanted to speak in morning business only to describe what the circumstances are on this piece of legislation. I am not here to make life more difficult for the Senator from Wyoming. I have great respect for him. I think the legislation he has brought to the floor has a great deal to commend it.

Even if we do not resolve this issue on the Social Security trust funds, I would not intend to ask for more than 10, 15, 20 minutes debate. I am not interested in holding up the bill. Under any conditions, I am not interested in holding up this bill.

I would agree to the shortest possible debate time, if we are not able to resolve the issue in another way. But my hope would be in the next hour or so we might be able to resolve that issue in another way. We would still, then, be asking, it seems to me, based on the discussions of Senator KENNEDY, for some kind of commitment to allow the Senate to proceed to deal with the issue of the minimum wage.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1664, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan amendment No. 3667, to express the sense of the Senate that a balanced budget constitutional amendment should protect the Social Security system by excluding the receipts and outlays of the Social Security trust funds from the budget.

Simpson amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Simpson amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students.

Simpson amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Simpson amendment No. 3672 (to amendment No. 3667), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, just a prefatory remark, with regard to my friend from North Dakota.

I enjoy working with the Senator from North Dakota. We are near neighbors in that part of the world. I can understand the depth of his very honest conviction about Social Security and the balanced budget. It is not an opinion I share, because I feel that the Social Security System is going to go broke, whether you have it on budget, off budget, hanging from space or coming out of the Earth. It is going to go broke in the year 2029. It is going to start its huge swan song in 2012, and the reason we know that is because the trustees of the system are telling us that. So I understand completely.

He is sincere in what he is doing. He is a believer in that cause and he is persistent, dogged, and I know that very well. So, in that situation we will just see how it all plays out.

AMENDMENT NO. 3669

Mr. SIMPSON. So the status of the floor is that the bill is now reported.

I, therefore, ask that the Chair lay before the Senate amendment No. 3669.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3669 was printed in the RECORD of April 15, 1996.)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3722 TO AMENDMENT NO. 3669

Mr. SIMPSON. I send a second-degree amendment to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3722 to amendment No. 3669.

Mr. SIMPSON. Mr. President, 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:

Strike all after the first word and insert:

214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof' public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ':*Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 3670

Mr. SIMPSON. Mr. President, I now ask the Chair lay before the Senate amendment No. 3670.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3670 was printed in the RECORD of April 15, 1996.)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3723 TO AMENDMENT NO. 3670

Mr. SIMPSON. I send a second-degree amendment to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3723 to amendment No. 3670.

Mr. SIMPSON. Mr. President, 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:

Strike all after the first word and insert:

PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney general and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expended, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 3671

Mr. SIMPSON. I ask the Chair lay before the Senate amendment No. 3671.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3671 was printed in the RECORD of April 15, 1996.)

Mr. KENNEDY. Mr. President, I send a second-degree amendment on the minimum wage.

Mr. SIMPSON. Mr. President, I do have the floor.

AMENDMENT NO. 3724 TO AMENDMENT NO. 3671

Mr. SIMPSON. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3724 to amendment No. 3671.

Mr. SIMPSON. Mr. President, 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:

Strike all after the first word and insert:

115A. FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

'(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

MOTION TO RECOMMIT

Mr. SIMPSON. Mr. President, I move to recommit S. 1664 to the Judiciary Committee with instructions to report back forthwith. I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] moves to recommit S. 1664 to the Committee on the Judiciary.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SIMPSON. Mr. President, I now send an amendment to the desk to the motion.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. Mr. President, a point of order, there was not a sufficient second.

The PRESIDING OFFICER. There was not a sufficient second.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays. There is a sufficient second on the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. SIMPSON. Mr. President, I shall renew the request, Mr. President, and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3725 TO INSTRUCTIONS OF MOTION TO RECOMMIT

Mr. SIMPSON. Mr. President, I now send to the desk an amendment to the motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3725 to instructions of motion to recommit S. 1664.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith.

After sec. 213 of the bill, add the following new section:

''SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3726 TO AMENDMENT NO. 3725

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3726 to amendment No. 3725.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following new section:

SEC. . PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identify and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

Mr. SIMPSON. Mr. President, I appreciate the good will of my friend from Massachusetts. I think after an explanation of what the procedure was, even though I know that that is a difficult one, that nevertheless, it is appropriate under the rules. I had expressed to the Senator from Massachusetts and to the Senator from North Dakota that it would be my intent to proceed and move forward with regard to this issue. These other issues, I hope, can be addressed at some other forum.

The pending business of the U.S. Senate for the last week has been the illegal immigration bill, not the balanced budget amendment, not Social Security, not the minimum wage, not anything. It has been set aside, and we have handled some very significant legislation in the interim.

I want to commend Senator KENNEDY and Senator KASSEBAUM for the work that they did, which was quite evident, the worth of it and the success of it, by a vote of 100 to 0, on an issue that has been creating tremendous difficulty with all of us. We have started down the road of reform with regard to health care, incremental as it is, but certainly something that the Senator from Massachusetts has been involved in in his entire career in the U.S. Senate.

Sometimes he is a vexing adversary, sometimes he is a warm and helpful ally; but there is one thing the Senator from Massachusetts is, he is a master legislator. We do not have to agree, but if there is anyone who knows more about legislating in this place, I mean day-to-day legislating, the rules, the procedures of legislating, not simply procedure—that helps—then it certainly is the Senator from Massachusetts who is one of the most able in this arena. With that—and I do not want to get too heavy; that would be totally uncharacteristic and unnecessary, Mr. President—I am pleased that we are once again considering the very important issue of immigration reform. This is about immigration reform.

As the majority leader mentioned last week, wherever one visits in this country, the issue is: When is Congress going to do something about immigration? That always comes up. The people of this country want reform. They want those who are not supposed to be in this country to be removed from this country. They do not want those who are subject to deportation to be allowed to roam the United States at will while awaiting their removal, also, working and taking away the jobs of American citizens. They want a reduction in overall immigration numbers. That is what they tell us on a consistent basis.

We now have an opportunity to accomplish all of that. We have a very good bill before us, and we have many amendments proposed, some of which will improve the legislation. There will be amendments. Those have been submitted. Those should be known to Members and staff by this time. We will proceed with those. I trust my colleagues will bring these amendments to the floor so we may conclude this contentious but important and consistent and ever-present debate and pass comprehensive immigration reform during this week.

The Barbara Jordan Commission left a statement which I think is worthy of all of us to be reminded of on this date. It was to this effect: The credibility of immigration policy can be measured by a simple yardstick. These are the words of Barbara Jordan, former Congresswoman, remarkable, remarkable American, a woman I greatly admired and respected and was honored to participate at the memorial service on her behalf at the Kennedy Center. That was a very, very emotional and touching thing for me. She said the simple yardstick is this: People who should

get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave. You cannot state it any more clearly than that.

The pending business is a Simpson second-degree amendment on a motion to recommit. This is the Simpson amendment No. 2, the pilot program. I believe that is now the pending business. I believe the debate on that amendment has been had. It was at the desk. Let me just refresh your memory on that. That was the amendment to provide a pilot student-tracking program. The aim was to enable the INS to keep track of foreign students studying in this country. The amendment would provide a source of funding to the INS to establish a very basic, computer-based system for keeping track of foreign students. It is a measure supported by the FBI Director, who expressed deep concerns about our ability to track such students in a 1994 memo regarding possible entry venues for tourists.

This is not an intrusive provision. Colleges and universities already are required to provide this sort of information to the INS. The problem in the past has been that the INS has not devoted sufficient resources to this activity to create a body of reliable information. So the amendment's aim is to provide funding so the INS can implement a system to keep track of foreign students studying here. It seems reasonable that such funding should come from the students themselves and not from the taxpayer. A student who is willing to pay $10,000 or $20,000 in this country or $80,000 to $100,000 over the course of study, is unlikely to be greatly concerned at being asked to pay an additional fee of $50 or $100 for the issuance of a student visa.

That is the substance of the amendment. I inquire if there is further debate on the amendment, or move the question on the amendment.

Mr. KENNEDY. Mr. President, effectively, in terms of the substance of the legislation that we have before the Senate, I support these three amendments, for the reasons we outlined the other evening when we commenced the debate on these items. One allows us to be able to track foreign students to find out what happens to those students. We are unable to do so now. There is a serious question about whether the foreign student visas are being used for real education or as another way to circumvent the laws. That is reasonable.

The second amendment deals with the situation where a young person gets a students visa to be able to come in and attend a private university and is able to demonstrate he or she has the resources to be able to do it and then makes a decision, after he or she is here, to go to a public university. It is a drain on the taxpayer funds. We want to address that situation. It is not unimportant. We are supportive of that particular legislation.

A final amendment deals with an individual who, either for employment or to get some kind of support funding, makes a false claim that they are a citizen when they are not. The amendment makes them subject to deportation. I think that makes a good deal of sense. If an individual is trying to either displace an American in a job and misrepresents his or her status by lying to the employer and stating that he or she is a citizen, or stating to other local or State or Federal officials that he or she is a citizen, when they are not, in order to benefit from some other kind of emergency services, that individual, I believe, ought to be subject to deportation.

On the substance of these amendments, I support all of them. The second-degree amendments are only a means for effectively denying the opportunity to amend the underlying amendments. As I understand, the substance of those is to change the date of enactment of those particular provisions by a day, meeting the requirements of the Senate rules in not changing the substance of it.

Finally, Mr. President, I understand that because of the changes in the parliamentary situation, now we will address those three at whatever time it is fine to move ahead on those amendments as far as this Senator is concerned. There may be other considerations which would dictate a time designated by the majority-minority leaders for the consideration of those measures.

Instead, moving back, then, to what would have been the Dorgan amendment and have that the pending business through the changes in the parliamentary situation which were just agreed to. The Dorgan amendment, for all intents and purposes, would not be the pending business. There would be then an opportunity after these amendments are addressed to amend the underlying legislation at that time. The pending business would no longer be the Dorgan amendment.

For those who are interested, both Senator DORGAN and myself will, at least hopefully, have some opportunity to address for a brief time, but hopefully within an agreement of a short timeframe, either the minimum wage or Senator DORGAN's amendment.

I was glad to try to place the minimum wage as a second degree to underlying amendments previously. We did not have the opportunity to do so. Perhaps there will be an effort to completely foreclose the opportunity to address it, but it is certainly my intention not to delay this legislation but for a short timeframe to address the minimum wage. This legislation will be before the Senate for a time, and we will try to at least see if there is some opportunity to do so. I know that is not the desire of the floor manager to move ahead. In any event, that would be my intention.

I yield to the majority leader without losing the right of recognition after he has concluded.

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

CORRECTING THE ENROLLMENT OF S. 735

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 54 and Senate Concurrent Resolution 55, submitted earlier by Senator HATCH. I further ask unanimous consent that these resolutions be agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to either of these resolutions appear at the appropriate place in the RECORD.

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

The concurrent resolutions (S. Con. Res. 54 and S. Con. Res. 55) were agreed to, en bloc, as follows:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to section 431 through 443 respectively.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 325 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under '' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of state''; and

(3) add the words ''the government of'' after ''engages in a financial transaction with'';

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Expert Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 and 444 as section 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entity and inserting:

(d) EFFECTIVE DATE.—the amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulation that shall be published on or before January 1, 1997.

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

Strike section 1605(g) of title 28, United States Code, proposed to be added by section 221 of the bill, and insert the following:

''(g) LIMITATION ON DISCOVERY.—

''(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court, upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

''(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

''(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

''(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

''(i) create a serious threat of death or serious bodily injury to any person;

''(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

''(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

''(3) EVALUATION OF EVIDENCE.—The court's evaluation of any request for a stay under this subsection filed by the Attorney General shall be conducted ex parte and in camera.

''(4) BAR ON MOTIONS TO DISMISS.—A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

''(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States.''.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 629G of the Foreign Assistance Act of 1961, by section 326 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under'' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of State'';

(3) add the words ''the government of'' after ''engages in a financial transaction with'';

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Expert Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entirety and inserting: (d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulations that shall be published on or before January 1, 1997.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3726

Mr. KENNEDY. Mr. President, we will have a brief quorum call to discuss with the floor manager whether or not they want to have a series of rollcalls. I hope we will dispose of the amendments in a timely way. If we can move ahead with voice votes on all of those—well, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SIMPSON. We will proceed now, but I would make a remark because I certainly can understand the position of Senator KENNEDY and the issue that is driving him in this debate, but not necessarily on this bill, and also Senator DORGAN. As I heard Senator KENNEDY describing what is out there, eventually, it reminded me of Edgar Allan Poe in ''The Pit and the Pendulum,'' as the arc of the blade swung closer and closer to the object. I just wanted to state that. It was a great iteration that came over me—the blade swinging back and forth, and eventually it will hit, and we will have to do what we always do here, which is sometimes difficult. It is called vote. And that is a time to come.

So with that, I urge the adoption of amendment No. 3726.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. Mr. President, we were just trying to follow the numbers. We had a series of amendments. Could the Senator just restate that amendment number.

Mr. SIMPSON. That is the pilot program, originally Simpson No. 2.

Mr. KENNEDY. I appreciate that.

I urge support of the amendment.

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

The amendment (No. 3726) was agreed to.

AMENDMENT NO. 3727 TO AMENDMENT NO. 3725

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3727 to amendment No. 3725.

Mr. SIMPSON. Mr. President, 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:

Strike the last word in the pending amendment and insert: ''act (8 U.S.C. 110(a)(15)

''SEC. . FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by

adding at the end the following new subparagraph:

'(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

Mr. SIMPSON. Mr. President, this amendment, which was the original Simpson amendment No. 3, creates a new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Mr. President, this amendment would add a new section to the bill. This is repetitive of remarks when we began the legislation, but this section would create a new ground of exclusion and of deportation for falsely representing oneself as a U.S. citizen.

This amendment is a complement to another one I am proposing. The other amendment would modify the bill section providing for pilot projects on systems to verify work authorization and eligibility to apply for public assistance.

One of the requirements of that other amendment is that the Attorney General conduct certain specific pilot projects including one in which employers would be required to verify the immigration status of aliens but not persons claiming to be citizens. Such persons would be required only to attest to being citizens. That came up in debate in the markup in the Judiciary Committee, that Americans, U.S. citizens, should not have to do some of the things that we require of others, and so there would be an attest provision.

Obviously, the major weakness in any such system as that is the potential for false claims of citizenship. That is why I am offering the present amendment, which would create a major new disincentive for falsely claiming U.S. citizenship. Lawful, permanent resident aliens who falsely claim citizenship risk deportation and being permanently barred from entering the United States of America. Since they are authorized to work, they would have little reason to make a false claim of citizenship.

Illegal aliens, on the other hand, would know that they could not be verified if they admitted to being aliens and the verification process was conducted; yet they would also know that if they falsely claimed to be citizens and were caught, they could be deported and permanently barred. Thus, the risk involved in making false claims would be high for them, too, under such a pilot project if the present amendment were enacted into law.

Therefore, if this amendment were enacted, and the pilot project involving citizenship attestation were conducted, a significant number even of illegal aliens might well be deterred from seeking jobs in the United States.

That is the purpose of the amendment.

Mr. KENNEDY. Mr. President, the Senator has made a very clear statement on the substance of the legislation. It is, I think, an important addition to the effort that we are undertaking to try and control illegal immigration, and I think it is very worthwhile. I hope the Senate will support it.

The PRESIDING OFFICER. Is there further debate on the amendment No. 3727?

Mr. SIMPSON. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3727) was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3728 TO AMENDMENT NO. 3725

(Purpose: To criminalize voting by aliens for candidates for a Federal office, and to make unlawful voting a ground for exclusion and deportation)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk report the amendment.

The assistant legislative clerk read as follows.

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3728 to amendment No. 3725.

Mr. SIMPSON. Mr. President, 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:

Strike all after the last word in the amendment and insert: ''deportable.

''SEC. . VOTING BY ALIENS.

''(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

'§ 611. Voting by aliens

'(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

'(1) the election is held partly for some other purpose;

'(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

'(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.'

'(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both.';

''(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.'; and

''(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.'.''.

Mr. SIMPSON. Mr. President, this is the amendment to criminalize voting by aliens in Federal elections and make unlawful voting a ground for exclusion and deportation. That is what this amendment is. This is the original Simpson No. 4.

This amendment has three parts. It has been changed from the discussion that we had in the markup of this particular amendment. First, the amendment would create a criminal penalty for voting by aliens in any Federal election.

Please note that this new criminal offense would cover only Federal elections, unlike the provision that was in the original version of the bill and that was deleted at the committee markup, because you will recall there was debate and discussion as to what that would do in a school board election or county commissioner election, and certainly those States should have the options to control that. That is the substance of this amendment.

This new offense would be a misdemeanor. It is not a felony. It would be a misdemeanor.

An alien who voted in any election, who voted solely or in part electing a candidate for President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia or resident commissioner, would be punishable by up to 6 months in prison and a $1,000 fine—not a felony.

The second part of the amendment would create a ground of exclusion for aliens who have unlawfully voted in any election, Federal, State, or local, in violation of a Federal, State or local constitutional provision, statute, ordinance, or regulation.

And, third, the amendment would create a ground of deportation for such unlawful voting by an alien.

This amendment would help to guarantee that a majority of citizens of the United States, those who owe their full political allegiance to this country, retain political control of every political unit and every political issue.

If aliens are allowed to vote, it becomes quite possible that a relatively small group of citizens in a particular jurisdiction could outvote a citizen

majority, if the group had enough noncitizen allies. I do not feel that that is acceptable. That is not consistent with the form of government that the Founding Fathers believed to be a fundamental right of the American people.

I have not covered State or local elections in the criminal offense provision, in the provision I just described, because of the objections of some Members who believe, and sincerely believe—as I believe my friend from Illinois indeed believes—that a temporary majority of citizens in a local jurisdiction or a State should be able to authorize voting by aliens. They believe this, despite the fact that if aliens are once given the right to vote in a jurisdiction, it might be difficult or nigh impossible for a majority of citizens in that jurisdiction to reverse the decision later.

However, my amendment also creates new grounds of exclusion and deportation for voting, if it is unlawful. It applies to any election. Therefore, there would be an additional disincentive for aliens to vote if there is a law prohibiting them from doing so.

During the markup and subsequently, some have raised the issue of constitutionality of this prohibition. At this time, just may I say a few words about that issue of constitutionality. A doubt has been expressed about whether Congress has the authority to prohibit voting by aliens. I believe that view is unfounded. There are several constitutional grounds for this authority, including the plenary power of Congress over immigration matters, which has been referred to so many times over the years by the U.S. Supreme Court and also the clause that guarantees what is called a republican form of government. That standard to be applied is a ''rational relationship to a legitimate Federal Government purpose.''

So, obviously, enforcing the immigration laws of the United States and, in particular, the naturalization laws—the requirements and procedures an alien must follow to become a naturalized U.S. citizen is a legitimate Federal Government purpose. Indeed, immigration and naturalization is, along with national defense, the most fundamental of the Federal Government's responsibilities. That is undoubtedly why the Supreme Court has made such extraordinary statements over the years, about just how plenary—''plenary'' meaning complete and absolutely—how plenary that power is.

Just one example, quote from the case of Oceanic Steam Navigation Co. versus Stranahan, and then quoted later with approval in Fiallo versus Bell and Kleindienst versus Mandel:

> Over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.

The encouragement of naturalization has been explicitly recognized by the Supreme Court as a legitimate purpose of Federal actions favoring citizens. That was the case of Hampton versus Mow Sun Wong.

So the prohibition of voting by aliens in Federal elections only would clearly be rationally related to a purpose encouraging naturalization, which is, as I say, one of the premium subjects in the legislative power of Congress. So that is the extent of the amendment and my explanation of the amendment.

Further debate?

The PRESIDING OFFICER (Mr. FRIST). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we support this legislation. I want to make sure this does not displace what we have already agreed to in the motor-voter legislation, which also deals with fraudulent elections, and where the penalty is somewhat larger. As I understand, this would apply in the Federal, as compared to the participation in local or State, elections. At least I am informed by the Justice Department that they, too, would feel illegal voting in a Federal election could be prosecuted under the Federal law. I am glad to accept this measure, or urge the measure be accepted. We can work this thing through to clarify it, perhaps, on our way to the conference.

We want to do what the Senator has rightfully pointed out is necessary to be done, in ways that are not going to minimize other provisions which might deal with this, also in a substantive way, that may be even more effective. I will be glad to recommend we accept this now. We can work through this and get a clearer definition as to how this interacts with motor voter. I completely agree with the Senator in terms of the objectives.

I just inquire of the Senator what his feeling would be on this.

Mr. SIMPSON. Mr. President, the concern my friend from Massachusetts expresses, and what he has pointed out as something disturbing to him, certainly is not the intent of this author, especially with regard to motor voter. There may be some things that would have to be done here, because I believe in motor voter we had a criminal penalty when we passed that legislation. So I will just leave it in good faith, as we have done for 17 years, with the Senator from Massachusetts to work that out.

Mr. KENNEDY. That is fine.

Mr. SIMPSON. And be certain the things that cause him concern are not anything that I am intending to do in this amendment. We can work that out.

Mr. KENNEDY. Yes, Mr. President, I think we might as well move ahead. I think we are absolutely—and the Senate would be—in accord with the description by the Senator. I urge we accept it. We will review those measures together to make sure we are consistent with what both the Senator wants to do and any other potential inconsistencies in current law.

Mr. SIMPSON. Mr. President, I appreciate that. My amendment is not intended to supersede the present prohibition on unlawful voting. I make that assurance once again. I therefore urge the adoption of the amendment under those conditions.

The PRESIDING OFFICER. If there is no further debate, the question is agreeing to amendment numbered 3728.

The amendment (No. 3728) was agreed to.

AMENDMENT NO. 3729 TO AMENDMENT NO. 3725

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3729 to amendment No. 3725.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

> Strike all after the last word and insert the following: ''deportable
>
> **''SEC. . USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.**
>
> ''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—
>
> ''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and
>
> ''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';
>
> ''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:
>
> '(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and
>
> ''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is

amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

Mr. SIMPSON. Mr. President, this is in essence Simpson No. 1 which we discussed the other day when we began our debate on this issue. There is a minor change, of course, to accomplish one thing so that we can address it here since it is the original underlying anchor on the procedural aspects of where we are at this moment.

So the purpose of the amendment—again, it is a bit repetitive from our discussion when we proceeded with this legislation originally—this is an issue brought to us by Senator FEINSTEIN. I want to say at this moment that I have received a tremendous amount of support and assistance from Senator FEINSTEIN. She, of course, represents a State that is most powerfully affected by everything that is happening today and everything that is happening tomorrow with regard to illegal immigration and legal immigration. So I say that I am deeply appreciative of her and her staff who have worked with my staff on many issues.

These children who are involved here are described as parachute kids. And that is a concern. This amendment is intended to prevent foreign students coming to the United States to obtain a free taxpayer-financed education at a public elementary, secondary school. This is a growing problem of children who come to the United States, stay with friends or relatives, or even strangers, to whom they pay a fee, and attending public schools then as residents of the school district.

This amendment prohibits consular officers from issuing visas for attendance at such public schools or the INS from approving such cases unless the foreign student can demonstrate that he or she would reimburse the public elementary or secondary school for the full unsubsidized per capita cost of providing such education or unless the school waives reimbursement.

The amendment also provides for the exclusion and deportation of students who are admitted to attend private elementary or secondary schools but who do not remain enrolled then at the private school for the duration of their elementary or secondary study in the United States. The purpose here is designed to prevent students from obtaining admission to a private school, which they often do, and then switching to a taxpayer-funded public school soon after arrival in the United States.

The amendment would not prevent these children who are validly in the United States as dependents of persons lawfully residing here from applying for admission to public schools nor would it prevent public schools hosting foreign exchange students. We do not want to intrude on that wonderful program, those who would continue to be admitted as exchange visitors on J visas.

The amendment is, however, designed to deal specifically with the problem of the parachute kids which has received some attention and certainly in California and in other locations, those who come here to receive a U.S. education at taxpayer expense.

That is the conclusion of my remarks with regard to the amendment. I look forward to further debate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this has been a phenomenon that has developed in very recent years. It is now becoming more frequently utilized to the disadvantage of taxpayers in these local communities. The Senator has made an excellent presentation. It is increasingly a problem. We ought to address it. This particular proposal does address it. I hope, for the reasons that have been outlined earlier, that the amendment will be accepted.

Mr. SIMPSON. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3729 to amendment No. 3725.

The amendment (No. 3729) was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

AMENDMENT NO. 3730 TO AMENDMENT NO. 3725

(Purpose: To repeal the ban on the search of open-fields by employees of the INS when they have probable cause to believe an illegal act has occurred)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3730 to amendment No. 3725.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the last word in the amendment and insert: ''enactment

"SEC. . OPEN–FIELD SEARCHES.

''(a) REPEAL.—Section 116 of Public Law 99–603 and section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) are repealed.

''(b) REDESIGNATION OF PROVISION.—Subsection (f) of section 287 of that Act is redesignated as subsection (e) of that section.''

Mr. SIMPSON. Mr. President, this is not one that will pass by voice vote. We will require a rollcall vote on this issue. It is and always has been contentious. This is the original Simpson amendment No. 8 which is to repeal the current ban on open field searches. Therefore, any staff watching these proceedings at this moment will have immediately pressed a button, and the ejection device will propel their principal here to the floor to proceed with vigorous, vigorous debate on this issue. But this one, like all, up or down, and then move on.

But here is where we are, ladies and gentlemen. Do not miss the impact of this. This happened back in the days of putting together the original legislation and what you want to recall is that no other U.S. law enforcement agency—none—except the Immigration and Naturalization Service requires a warrant, a search warrant, to enter and/or search open agricultural farmland. No other agency of enforcement in the United States is required to do that. That requirement that the INS agents obtain a warrant for such a search was placed in the law in 1986 by what I refer to as an unholy alliance between the agricultural growers and the ACLU. You really will not find the ACLU and the agricultural growers in the same sack very often.

All other law enforcement agents—that is a DEA agent, a local police officer, even a local sheriff—can, without a warrant, and if they have probable cause, search an open field for drugs or for a dead body. INS officers alone are prohibited by law from entering a field to enforce immigration laws. Of course, the effect of this requirement is to make it extremely difficult to enforce our laws against the employment of illegal agricultural workers. There are tremendous abuses in that field.

A further effect is to make it safer—that is the word—for employers to use illegal workers, at a time when the experts tell us that there are more than 1 million American agricultural workers that could perform that work. The present ban on open field searches, in other words, then protects those who hire illegal workers. That helps to deny those jobs to American workers. As a result, up to 40 percent of the agricultural workers on the west coast are illegal aliens.

One of our Nation's most noted immigration experts, Prof. Barry Fuchs of Brandeis University, and the executive director, Rev. Ted Hesburgh, Select Committee on Immigration Policy and a member of the current Commission on Immigration Reform, has specifically recommended to us that a

high priority be placed on repealing the ban on open field searches. Professor Fuchs has noted that the ban has taken away an ''important enforcement tool of the INS.''

I hope we might listen to the words of our friend, Larry Fuchs. He is our friend. Senator KENNEDY has known him longer than I. Larry Fuchs is a remarkable resource for this country on legal and illegal immigration reform.

As I have indicated in the past, Senator KENNEDY and I were both original Members of the U.S. Senate on the Select Commission on Immigration Refugee Policy, chaired so ably by Father Ted Hesburgh, who was an inspiration to us and who is, to this day, one of the most remarkable people in this land and a loving friend.

We should heed the words of Professor Fuchs. Proponents of the requirement—and you will hear that argument coming forth momentarily—proponents of the requirement for warrants argue that it prevents INS officers from entering an open field simply because those who are working there ''look Hispanic.'' That argument ignores the fact that seeing workers who look Hispanic is not probable cause. That is not probable cause for a search. You cannot use that argument in that sense in any way. Entering a field for that purpose, that particular purpose, would be illegal, even if search warrants were not required. I think that is a very important distinction. I hope we will hold closely as we debate this issue.

The American public wants us to enforce our laws against illegal immigration. The case is even stronger when, by doing so, we would be making jobs available to hundreds of thousands of U.S. agricultural workers, and there are hundreds of thousands of U.S. agricultural workers.

Even though this is not quite ancillary to the debate, I was fascinated in my work in this field many years ago to find out what happens when they go to the open field. Some agriculture employers back then—not now, I do not know what the situation may be now—but they were often putting some expendable people next to the highway with el émigrés and the green truck came by so that there would be someone to pick up, and then when all of that took place there was another rank in the foothills who would come down and be ready to go right back to work again.

Further, way up in the foothills where we were told there were never children, never spouses, personal investigation of the select committee found obvious, obvious hovels of people who were just simply slave labor for some agricultural pursuits—pampers, diapers, cans of milk all there in the foothills.

That was, as I say, not truly on target with this, but let me tell you there is no reason in the world why the INS should be the only Agency of the Federal Government that cannot do a search with a search warrant in an open field. And to say, then, the target would simply be to target people who ''look Hispanic'' so you can add a racist touch to the argument, it will not sell, because if that was the only reason you would not get the search warrant. That is not probable cause.

With that initial volley on this contentious issue, I look forward to the debate.

Mr. KENNEDY. Mr. President, I intend to speak on this issue. I saw my friend and colleague from California, Senator BOXER, who had wanted to address the underlying issue briefly, has been waiting here for some period of time. If she can be recognized, I will come back to address this amendment before the Senate.

The PRESIDING OFFICER (Mr. GREGG). The Senator from California.

Mrs. BOXER. Thank you, I say to both my friends who are managing this bill, Senator SIMPSON and Senator KENNEDY, who have been so helpful to me as I work on a couple of amendments that I hope will be accepted, which I will talk about briefly.

Mr. President, I am pleased to be here today to speak about an issue that profoundly impacts my State of California. That issue is illegal immigration. I know that there has been a big debate in the Senate committee of jurisdiction over whether we should blend in the issues of legal and illegal immigration.

I want to restate and reaffirm my position that I hope they will be handled separately. I know that Chairman SIMPSON, who has worked so hard, would prefer to combine these two issues. The reason I believe it is important to have a separate debate is that one group of people, illegal immigrants, choose to break our laws, and legal immigrants choose to follow our laws. Those are two distinct and important differences.

Mr. President, no State in the entire country receives more illegal immigrants than the State of California. Out of the approximately 300,000 illegal immigrants that come to the United States and stay each and every year, about 35 percent to 40 percent of them live in California.

Why do most illegal immigrants come to America? Clearly, it is to find work. They are hired because we are not fully enforcing the laws we have on the books, which make it unlawful to hire illegal immigrants. That is clear. It is against the law.

Now, it seems to me we have to do more to enforce those laws.

I have always said that in order to control the problem of illegal immigration, we need to do it at the border and at the workplace. To intercede elsewhere, in my opinion, is not particularly effective. Clearly, if you enforce the immigration laws at the border, you stop the problem immediately. If you miss that opportunity, the workplace is the next best place to go.

The bill before us that deals with the issue of illegal immigration has many provisions I very strongly support. I strongly support the provisions in title I of the bill, which strengthens law enforcement's ability to stop illegal immigration. For instance, the bill will increase the number of Border Patrol agents by 4,000 for the next 4 fiscal years—a 90-percent increase over current levels, and it is needed.

I also strongly support the bill's provisions to add up to 900 new INS investigators over the next 3 fiscal years to enforce the laws against alien smuggling and the unlawful employment of illegal immigrants. This increase of 900 new INS investigators is a 100-percent increase over current law. So, clearly, this bill is moving us in the right direction in regard to stopping illegal immigration at the border and the workplace.

I want to take an opportunity to thank and compliment the Clinton administration for getting serious about enforcement at the Southwest border. It is long overdue. We have had protestations from detractors of this administration that they do not do enough. The fact is that this is the first administration to do anything about illegal immigration.

Let me repeat that. The Clinton administration is the first administration to do anything about illegal immigration. Whether it is to begin to reimburse the States for the costs they have to bear, which are outrageous—costs for emergency medical care, costs for putting those criminal aliens into prison—we are finally beginning to see some reimbursement here. However, it is not enough, and we need to do more.

I compliment the leaders of this bill because there is an authorization in there for full reimbursement for the costs of providing emergency medical assistance to illegal immigrants.

We have also seen an increase in the National Guard at the border. Their presence relieves Border Patrol agents from desk jobs, and their work on such things as building fences and roads and repairing sensors and night scopes is very important.

At the time that I recommended bringing more National Guard to the border, the National Guard at that time was about 145 in San Diego. Now they number up to 400. So we see that there has been an increase in National Guard at the border, doing such things as relieving the Border Patrol of desk jobs and these other engineering jobs that I have outlined for you.

When I first injected more National Guard presence, people thought I was going to send them down to the border in uniform with weaponry. That was never the point. We said it is a resource that ought to be used, and I think we ought to use them more.

In 1994, the Immigration and Naturalization Service kicked off Operation Gatekeeper, its initiative along California's border with Mexico. In the last 2 fiscal years, we have seen an increase of 500 Border Patrol agents in San Diego.

So we see that this administration is moving forward. But this bill is very necessary and gives us more resources at the border than we have had up until now, and, I might add, more technology and equipment that we need at the border—equipment such as infrared scopes, sensors, automated fingerprint ID systems. INS will be installing a new radio network in San Diego to handle encrypted voice communication, and that is very important.

As I said before, we have to stop illegal immigration at the border, and if we fail there, at the workplace. I think we have to remember that that is why illegal immigrants come here—for work.

Now, how badly are our wage and hour laws being violated? We only have to look at the case of the sweatshop uncovered in El Monte, CA, to get an idea. In El Monte, alien smugglers brought in 72 foreign workers from Thailand, where they were subsequently forced into involuntary servitude at a garment sweatshop. We thought we saw the end of that in the pre-Depression era. The El Monte case is an extreme example, but it is not an isolated incident.

Mr. President, most employers in our country abide by our immigration and our labor laws, but, unfortunately, some choose not to, and they are undermining our laws and the wages of our workers as well. They are guilty of the lowest form of greed—human exploitation—and it must be stopped.

It is well known that employers engaging in wage and hour law violations are often the same ones who hire illegal workers. I am very pleased that the bill before us provides for 350 new wage and hour investigators at the Department of Labor over the next 2 fiscal years to enforce the existing employer sanctions we already have on the books. The bill also contains enhanced civil penalties for repeated or willful violations of our Federal labor laws, which I strongly support.

I am disappointed that the committee voted to delete provisions to increase the sanctions on employers who violate immigration laws. I am disappointed about that. But I am glad that there are enhanced penalties for those who violate Federal labor laws.

Now, I think it is important that we give employers a better tool so they can identify who is legal and who is not. The bill before us moves us forward toward worker verification. I have always opposed a national ID card because I think if someone is walking in the street, they should never be stopped and asked to show an ID card. But when they go for a job, right now it is virtually impossible for employers to verify whether they are legal or not. I think the approach taken in this bill is a good one, and I hope it will be part of the bill when it leaves this Chamber.

I also think it is important that the bill authorizes an increase of 300 new investigators at INS to go after the visa overstayers, because so many of our illegal immigrants are those who overstay their visa. So that is excellent.

I have long supported cracking down on those who manufacture and use fraudulent documents. The last time I had a chance, on the crime bill, I offered an amendment that increased the penalties on those who manufacture forged documents. But I think we need to do more, and this bill does go further to increase civil and criminal penalties for crimes involving document fraud.

I want to take just a moment to talk about a problem we are seeing in California now more and more, where smugglers are driving vehicles crashed through a checkpoint and lead local law enforcement on high-speed chases. We all know what happened nationally when we saw one case where there was apparent overreaction from the police and use of excessive force—that is what it appears to be.

But the fact of the matter is, we have to stop that kind of recklessness, driving on a 60-, 70-mile chase where you endanger the lives of the police following you and you endanger the lives of those people you are smuggling. Following that case when force was used, we had seven illegal immigrants killed, who fell over a cliff when the smuggling attempt led to disaster.

So, I was very surprised to see that there are no Federal penalties for such reckless behavior. What I am offering, and what Senator SIMPSON and Senator KENNEDY are working with me on, is a Federal penalty for those who crash through a Federal checkpoint and, in fact, do not stop.

We want to make sure there is a Federal penalty of 5 years in prison for those who do that, and perhaps—we are working with Senator SIMPSON on this—an even tougher penalty where those people could be deported. Because anyone who would lead law enforcement on a high-speed chase not only endangering the police officers themselves but also the cargo they are carrying—by that I mean human cargo—and all the drivers on the road, they deserve to be thrown in jail or deported.

I also want to briefly touch on an amendment that I am cosponsoring with Senator FEINSTEIN which deals with the triple fence authorized in the bill. I will not go into all of the details in the interest of time. But we feel that the Border Patrol could do better if we did not dictate exactly that a $12 million fence should be built, or inhibit their ability to design fencing in the way they want and to use some of the money for other needed infrastructure improvements. Moreover, we certainly do not want to force law enforcement to build a triple fence if they feel it would endanger their lives. And that is what they have told us.

Mr. President, I am pleased to be here today to speak about an issue that profoundly impacts the State of California. That issue is illegal immigration.

And before I go any further, I want to reaffirm my position that legal and illegal immigration must be treated separately. I know that Chairman SIMPSON, who has worked very hard on the issue of immigration, would prefer to link these two issues together.

However, I believe having a separate debate on the two issues will better ensure that Congress recognizes the critical difference between those illegal immigrants who choose to break our laws, and those legal immigrants who choose to follow them.

Mr. President, no State in the entire country receives more illegal immigrants than California. Out of the approximately 300,000 illegal immigrants that come to the United States and stay every year, about 35 to 40 percent of them live in California.

Why do they come here? Most of them come to find work. And they are hired because we are not enforcing the laws we have on the books which make it unlawful to hire illegal immigrants. That must change.

I have always said that in order to control the problem of illegal immigration, we need to do it at the border and the workplace. To intercede elsewhere, in my opinion, is not effective.

The bill before us today is S. 1664, the Immigration Control and Financial Responsibility Act of 1996. The bill contains many provisions which are praiseworthy. I strongly support the provisions in title I of the bill which strengthen law enforcement's abilities to stop illegal immigration. For instance, the bill would increase the number of Border Patrol agents by 4,000 for the next 4 fiscal years—a 90-percent increase over current levels.

I also strongly support the bill's provisions to add up to 900 new INS investigators to enforce the laws against alien smuggling and the unlawful employment of illegal immigrants. This is an increase of about 100 percent over current law.

I want to take this opportunity to compliment the Clinton administration for getting serious about enforcement at the Southwest border. It is about time and long overdue, for despite protestations from detractors of this administration in California—this is the first administration to do anything about illegal immigration.

And we have seen an increase in the National Guard at the border. Their presence relieves Border Patrol agents from desk jobs, and their work on such things as building fences and roads, and repairing sensors and night scopes. At the time I recommended bringing more National Guard at the border, they numbered 145 at the San Diego border. Now they number as high as 400.

In 1994, the Immigration and Naturalization Service [INS] kicked off Operation Gatekeeper—its initiative along California's border with Mexico. In the last 2 fiscal years, we have seen an increase of 1,150 border patrol agents nationally—more than 500 of

whom have been deployed in San Diego.

Counting the 800 new Border Patrol agents for this fiscal year, the Border Patrol force will have been increased by 40 percent since the Clinton administration took over. California now has over 1,500 Border Patrol agents patrolling our border and enforcing our immigration laws.

But as we all know, Mr. President, any smart strategy to regain control of our borders will take heightened technology which is being used in Operation Gatekeeper. Infrared scopes, low-light-level television systems, and ground sensors are all being used to enhance our effectiveness at the border. San Diego has been the recipient of new infrared scopes, sensors, and a new automated fingerprint identification system. INS will be installing a new radio network in San Diego to handle encrypted voice communication.

And we cannot forget why most illegal immigrants come here in the first place: work. How badly are our wage and hour laws being violated? We only have to look at the case of the sweatshop uncovered in El Monte, CA, to get an idea. In El Monte, alien smugglers brought in 72 foreign workers from Thailand where they were subsequently forced into involuntary servitude at a garment sweatshop. The El Monte case is an extreme example. But it is not an isolated incident.

Mr. President, most employers in our country abide by our immigration and labor laws. However, those who choose not to, not only undermine our laws, but the wages of American workers as well. They are guilty of the lowest form of greed—human exploitation. It must be stopped.

It is well-known that employers engaging in wage and hour law violations are often the same ones who hire illegal workers. I am pleased that the bill before us provides for 350 new wage and hour investigators at the Department of Labor over the next 2 fiscal years to enforce the existing employer sanctions we already have on the books.

Furthermore, the bill contains enhanced civil penalties for repeated or willful violations of our Federal labor laws, which I strongly support. However, I am deeply disappointed that the committee voted to delete provisions to increase the sanctions on employers who violate immigration laws.

Of course it is imperative for employers to better ascertain who is authorized to work, and who is not. The bill before us moves us toward improved verification for work and public benefits through the creation of several regional or local demonstration projects.

After the pilots have been tested, the administration will be required to return to Congress to make a recommendation on a permanent system. Implementation of a recommended system will require congressional action. The approach contained in the bill will allow Congress to review which methods of verification are the most effective before enacting a larger scale system.

I support the privacy protections contained in the bill to provide balance as we move toward a national verification system. I am further pleased that the bill explicitly prohibits a national ID card which I oppose.

It is important to have a foolproof method to ensure a potential employee is legal—I believe it would be dangerous to put in place a system where someone walking down the street could be stopped and asked for their papers. That situation would infringe on our lives.

A key fact of illegal immigration which often is overlooked is that approximately half of the illegal aliens currently in our country entered legally and overstayed their visas. This bill authorizes an increase of 300 new investigators at INS to go after these visa overstayers. I support this.

Mr. President, I strongly support the provisions in the bill to increase penalties on alien smugglers and those committing document fraud. I have long supported cracking down on those who manufacture and use fraudulent documents. When I toured the California-Mexico border with Attorney General Reno and Senator FEINSTEIN, we met with INS agents who told us it was key to beef up penalties for document forgery. Thousands of illegal immigrants each year use these documents to enter the United States illegally or continue to stay and work here illegally.

In the 1994 crime bill, I proposed an amendment to double the criminal penalties for forgers and distributors of fraudulent documents. These heightened penalties passed and are now law.

The provisions contained in S. 1664 go even further to increase criminal and civil penalties for crimes involving document fraud. We must send a message to these wrongdoers that we will not tolerate those who flout our immigration and criminal laws. These tougher penalties should serve as an effective deterrent to such actions.

For instance, for fraudulent use of government-issued documents, the bill increases the maximum fine from $250,000 to $500,000, and the maximum criminal sentence from 5 years to 15 years.

I would like to take a minute to specifically discuss alien smuggling. Recent incidents involving alien smugglers have received considerable press attention. The beating of two illegal immigrants after a 80-mile chase ending in El Monte put a face on the human cargo being brought into our country by alien smugglers.

Recently in California, 7 people were killed and 19 injured when a pickup carrying immigrants being smuggled into the country skidded, flipped over, and plunged off a rural road west of Temecula while being followed by Border Patrol agents. We must stop such occurrences.

S. 1664 stiffens criminal penalties for alien smuggling. The bill also contains provisions to expand the Federal Government's ability to pursue alien smugglers through expansion of the RICO [Racketeer Influenced and Corrupt Organizations] statute and wiretap authority.

I plan to offer an amendment to provide a new, tough Federal penalty on those who flee border checkpoints, creating dangerous high-speed chases. My amendment would provide a Federal penalty of imprisonment of up to 5 years. I am working with Senator SIMPSON and Senator KENNEDY and hope this amendment will be accepted.

Alien smugglers do deserve to be punished. They take advantage of people in desperate situations—often threatening their safety and potentially those of hundreds who could be exposed to them. We must make every effort to ensure that such tragedies do not continue to occur.

One concern I have with the bill relates to the authorization of a 14-mile triple fence for the 14 miles eastward of the Pacific Ocean in San Diego. Let me be clear about one thing: I support fencing and reinforcement of physical barriers along the border. But when the Border Patrol itself says these provisions would endanger the physical safety of their personnel, I think we should defer to their expertise.

Along with the INS, the Border Patrol points to the tactical and logistical problems of a contiguous triple fence. They also raise concerns about alien smugglers taking advantage of the triple fence configuration to ambush Border Patrol agents.

That is why I am cosponsoring an amendment with Senator FEINSTEIN to put the $12 million authorized for the triple fence toward needed border infrastructure improvements—including construction of all-weather roads, low-light television systems, lighting, sensors, and multiple fencing where it makes sense to do so.

Title II of the bill addresses immigrant—legal and illegal—use of public benefits. Illegal immigrants are largely ineligible for public welfare benefits. Where they are eligible, I support full Federal reimbursement for any resulting costs to States and localities.

The bill sets out the general prohibition barring illegal immigrants from receiving public benefits but exempts a limited number of services. In fiscal year 1994, the General Accounting Office estimated that the cost of providing elementary and secondary education, emergency Medicaid, and incarceration of alien felons was $2.35 billion for my State of California.

Immigration is a Federal responsibility. However, until this administration, California had not received any reimbursement for its costs resulting from illegal immigration. Today, California is receiving reimbursement for its costs of incarcerating criminal aliens under the State Criminal Alien Assistance Program. And while the crime bill authorized $1.7 billion to reimburse these costs, California has yet to receive full repayment.

I want to commend the chairman for including an authorization to fully reimburse States and localities for emergency medical services provided to illegal immigrants. Right now, the Federal Government pays half of this cost and the remainder is borne by the State. In California, this amounted to a cost for California of $395 million in fiscal year 1994. I strongly support reimbursement for these costs.

With respect to benefits for legal immigrants, I support strengthening the responsibility of sponsors. That is why I agree we must make affidavits of support signed by sponsors legally enforceable. Individuals who want to sponsor a family member must not shirk their responsibilities to the immigrant once they arrive.

By making the affidavits legally enforceable, the agency providing assistance to a needy legal immigrant has the ability to be repaid for their costs. This approach makes sense.

As a final note, Mr. President, I want to briefly discuss the importance of naturalization. Naturalization—the process by which a legal immigrant is granted the full rights and responsibilities of citizenship—represents the final step in a journey toward the American dream, a journey played by the rules.

The latest surge in naturalization applications submitted is nowhere more evident than in California. In fiscal year 1995, over 380,000 eligible legal immigrants applied to naturalize in California. This is a 500 percent increase over the totals for fiscal year 1991.

I am pleased that we now have a leader at INS who is doing something about it. Under Commissioner Doris Meissner, INS has been actively attempting to meet the latest surge in naturalization through its initiative, Citizenship USA. I commend Commissioner Meissner for the agency's efforts to put the ''N'' back in INS.

However, an immigrant who has already waited for at least 5 years to become eligible to naturalize can wait for an additional 12 to 16 months in cities like San Francisco and San Jose, CA, for their application to be processed because of enormous increases in demand.

We owe it to those who patiently follow the rules to do better.

Mr. President, I plan to offer an amendment to create demonstration projects around the country that set up citizen swearing-in ceremonies around July 4. The amendment which passed the House, authored by Congressman SAM FARR, would authorize INS to use the fees it already collects to fund the minimal additional costs of holding these symbolic ceremonies for 500 people.

Under the amendment, 10 demonstration projects would be authorized each year for 5 years. The demonstration projects would enable INS to reach out to local communities to encourage their involvement in the celebration of citizenship. The swearing-in ceremonies would be a communitywide celebration reminding citizens why we are proud to be Americans.

Mr. President, I am committed to those who want to follow the rules and become full participants in American society. Earlier this month, I introduced S. 1677, the Citizenship Promotion Act.

My bill would establish a Citizenship Promotion Agency [CPA] within INS to assist eligible immigrants with naturalization. The CPA would be able to work with government agencies as well as nonprofit organizations to assist in its naturalization outreach obligations.

My bill would also create a nine-member National Advisory Board on Citizenship to advise on naturalization objectives. And finally, my legislation would establish a naturalization examinations fee account within the U.S. Treasury to ensure that naturalization fees are spent on naturalization—not redirected elsewhere. Such naturalization activities could include English language instruction for immigrants trying to become citizens.

In closing, I would like to reiterate my support for many of the provisions in the illegal immigration bill. I look forward to working with both Chairman SIMPSON and Senator KENNEDY in making further improvements to this legislation. Thank you.

I will close by saying this. I said at the outset that there is a real difference between illegal immigration and legal immigration. My own mother became a naturalized citizen in 1937. When she died in 1991, she left me a very special little pouch that had two things in it: Her wedding band and her certificate of naturalization. I think Americans understand how much naturalized citizens cherish this homeland.

Therefore, I am working with Senator SIMPSON and Senator KENNEDY to get an amendment adopted which would recognize the beauty of those naturalization ceremonies. And I pick up on an amendment that passed overwhelmingly in the House that would give some modest sums of money to conduct those naturalization ceremonies. We want to put the ''N'' back into the INS—''naturalization.'' It is a beautiful ceremony, and those are some of our finest citizens.

I could give you the list of some of those naturalized citizens. But I think you all know how many of our wonderful leaders in this country in entertainment, in politics, and in all fields are naturalized citizens.

So I want to thank the Senator from Massachusetts for yielding me so generously of his time. I feel this is such an important issue to my State. I wanted to have this opportunity to compliment my friends who have led on this bill, for what they have done, and I hope to be able to support it.

Again, I thank you very much, Mr. President.

I yield the floor.

Mr. KENNEDY. Mr. President, I see a number of our colleagues who have been very interested in this issue that would like to speak to it. I will respond at an appropriate time after they speak to the current amendment—to the Simpson amendment.

But I want to just point out to the Members about where we are. The parliamentary situation effectively excludes the opportunity for recognition of the minority, the Democratic manager of this legislation. Under the right of recognition it always goes to the majority as the time-honored tradition, and we understand that and respect that. But given the parliamentary situation we are effectively denied on our side any Member offering an amendment. I mean, with respect to the processing of amendments, we are at the point now where we are processing nongermane amendments because eventually at some time we will move toward cloture. By beginning to understand what the situation is we will dispose of various amendments that apparently are agreeable to the floor managers prior to the time that a cloture petition is put down which will exclude any chance of other Members to come back in here and offer any amendments. That is an extraordinary process and procedure.

We have to ask ourselves about how long we really want to put up with that. I have been trying as a matter of comity in working with the Senator from Wyoming to move through this in a way which permits us to try to deal with some of the basic substantive issues. But we, as the time moves on, are caught in this particular situation. We are effectively dealing, and only dealing, with the amendments represented by the majority, and we are precluded under this whole process of offering any amendments.

This is not a personal comment on my good friend, the Senator from Wyoming, because he is responding to the wishes of the majority leader in this case. And the matters that he is raising here are matters that have been raised in the Judiciary Committee, matters which he had indicated to us that during the course of the debate he was going to raise, and matters which are of very fundamental importance in terms of the substance of the issue.

But we are still in a situation where we are being told we can only—the Senate of the United States on an important piece of legislation like this can only—deal with those amendments that are put forward by the manager of the bill because under the right of recognition he gets it. If there are other Members that want to have amendments considered they would go to him. If he thinks that he may support them, I imagine he will put them forward. And, if he does not, he will not.

So we are in a situation where we have effectively a very small gate. My good friend and colleague—again I say with deference to him—because he has always, as I have stated on every occasion, been entirely up front and entirely fair in dealing with all the members of the committee, Republicans and

Democrats alike. But he is caught in this position was well.

So it does seem to me that our colleagues ought to understand that effectively we have a clearance system here that unless an amendment is cleared through the acting majority leader we are being closed out. And I think the American people and our Senators ought to know that this is not a free-wheeling debate where we are going to have the opportunity for the Members who want to represent their States and their interests to be able to get recognized to be able to pursue that.

This is an extremely important amendment, and I hope we can deal with this amendment in a timely way. But at some time we are going to have to ask ourselves whether we are going to just go ahead and consider all of the nongermane amendments that come through our colleague over here and none of the nongermane amendments to be considered by other Members. Then we get into cloture, and they have taken care of those nongermane amendments. We will be just back on the germane amendments. It is a rather unusual way to proceed.

I just raise that now because there are those, myself included, who want to try to get at least some opportunity for recognition so that we would have a chance to offer at least a minimum wage amendment on this with a very short time agreement. We are effectively being closed out from that possibility. We understand that. But the other Members of the Senate ought to understand that as well. Hopefully the majority and minority leaders can bring their good common sense and judgment to help us find a way through this particular dilemma.

I will yield the floor because others want to speak. I will come back and speak to the substance of this measure. I want to again point out that the substance of this issue is enormously important. It is absolutely relevant. We ought to address it. It is extremely significant. But some time in the not-too-distant future I think we ought to have some kind of a decision about how we want to proceed.

This issue of illegal immigration is extremely important. We have supported the expansion of the border guards. We have supported the measures that Senator SIMPSON and I cosponsored—measures to try to create a more effective process for being able to identify the legitimate Americans versus illegals in the job market, which is extraordinarily important. There are other provisions as well in the illegal immigration bill which are very, very important and some which there is some difference on.

But we are in an unusual situation, and it is something that I know Members have to be concerned with as well.

Mr. SIMPSON. Mr. President, I can understand the frustration of the Senator from Massachusetts. He expressed that frustration in a very clear way. Let us then review the bidding so that we do all hear what we are doing.

We are dealing with illegal immigration. That has been the pending business before this body for over a week. The pending business of the Senate is the measure with regard to illegal immigration, which when we finish the amending process will probably pass by a rather significant vote. So if we are talking about important legislation, then surely we should be talking about this.

So what occurred here today is nothing mysterious, nothing sinister, nothing harsh. It is called legislating, and it is called using the rules of procedure, and it is done beautifully by the Democrats when they are in the majority and by the Republicans when they are in the majority.

So if we are talking about what is germane, what could be more nongermane than Social Security and an attempt to say that Social Security somehow is not to be dealt with when we do a balanced budget, when Social Security is $360 billion of the national budget.

That is what we are talking about, nothing mysterious, nothing sinister. What are we talking about that is germane about minimum wage? But there might be something very interesting and germane with minimum wage because the same people who are seeking an increase in the minimum wage are at the same time restricting efforts—some—restricting efforts to reduce the number of low-skilled immigrants who are entering under the family preference system.

I hope that we are able to divine that extraordinary difference. It is these low-skilled newcomers who flood the labor market which results then in stagnant wages. That is what happens. So this is one of the most curious parts of the entire debate to me.

I am not attributing that to Senator KENNEDY. I am attributing it to some who continue to resist the fact that we are trying to say that low-skilled persons are no longer required to come here under our immigration laws. We need people with skills. We need people with ability. We need people who are here to pull their share. We need people to come here whose sponsors say, ''When you come here, I will assure that you do not become a public charge.'' That is what we are up to here. No mystery, nothing sinister.

You asked how we could be precluded from dealing with things that are very important to Senator KENNEDY or to Senator DORGAN. The same would be my argument. I am being precluded from dealing with illegal immigration reform. And I think that we want to keep all those interesting balances before the body. That is a very important thing.

I wish to insert in the RECORD a very interesting column that was in the Washington Post in the Outlook section last Sunday about this extraordinary argument about the minimum wage and the extraordinary, remarkable flight from common sense of those who will not allow us to reduce the number of those people presently entering under the preference system.

We have a situation now with regard to naturalization, with regard to a movement toward naturalization created by the legalization of the 1986 bill, created by people who are stunned and alarmed by proposition 187 and think, boy, if they are going to treat people who are permanent resident aliens like that, I want to get naturalized. There is another movement toward that, and so you are going to have more numbers coming to the United States than you ever did before, even if we did the minimum under the ''legal immigration bill.''

And remember, there is a legal immigration bill at the desk which passed the committee by a vote of 13 to 4. That is legal immigration. There is also the illegal immigration bill, which passed the committee by a vote of 13 to 4, and that is what we are considering at the present time.

Let me assure you that if you are talking about germane and nongermane, there should be not much question, at least in the eyes of the general American public, of a certain thing which is total reality, which is sometimes difficult to attain here, that the reason we talk about them together—whether you split them or puree them is not the issue—split, whole or pureed, you do not escape the fact that over one half of the people who come here legally become the illegal aliens which are the subject of this bill.

Please hear that, I hope, and know that we are talking about people who come here, half of them who come here legally become illegal. They then go out of status with a tourist visa. They go out of status with a student visa. They then become part of the illegal community.

So those are some things, and we are not here to disrupt things but we are here to deal with the bill as we do health care, we do line-item veto, we do this and we do that, and try and proceed. If the entire exercise should end in an hour, I can assure you that it will come back at some future time, but I thank my colleagues on both sides of the aisle for at least processing four or five amendments. That is what we should be doing. There are two choices here: Be about our business on an illegal immigration bill or the leader will be required to pull up something else and the issue will simply never go away, either of the issues or all of the issues.

So I just wanted to express that with I hope some clarity, that we are moving on an illegal immigration bill with a significant amendment here at the present time.

Mr. FORD. Mr. President, will the distinguished Senator from Wyoming allow me to ask him a question?

Mr. SIMPSON. Indeed, I say to my friend from Kentucky, Mr. President.

Mr. FORD. The Senator from Wyoming understands better than most

why the minimum wage amendment is being placed here. That is about the only place we can get a chance to do it. He understands that well. And also the sense of the Senate on the balanced budget amendment, not using Social Security. He understands that question well. Could it not be worked out and taken off the bill? If a time agreement to vote on this bill—on those two questions be agreed to in 30 seconds, they would both be off the bill, would they not?

Mr. SIMPSON. Mr. President, it will be up to our leader to determine the course of business. The Senator from Kentucky and I both filled the role as assistant leader of our parties, and I think we both realize that we were somewhat muted on final decisions.

Mr. FORD. I understand that. But we do know that if the leaders would make a decision and give us the time for a stand-alone vote on it, these two items would not be on the immigration bill. And as we have seen both sides do in the past, you take an opportunity when it is presented to you. All I wish to know is if the Senator would agree that if the leaders would give us an opportunity to vote on minimum wage and the opportunity to vote on a sense of the Senate as it relates to the balanced budget, not using Social Security, that they would not be on this bill.

Mr. SIMPSON. Mr. President, I think that all of us know when we reach these sticking points in this body—and that is often—people then huddle and decide what to do. The leaders trust and admire each other and they will work together and move the legislation of the Senate. And that is the way it will always work.

On the other issue of minimum wage, I understand there are serious discussions going on about minimum wage, training wage, and getting the minimum wage to the people who do require it most and not to someone from a fine family that decided to go work in McDonald's for the summer and pretend that that is the issue of minimum wage when someone is a privileged young person who is simply in the work force.

There are real things here. For every horror story on one side, we have the horror story on the other side. That is the only way I have been able to exist in this body for 18 years.

So, for every one that is presented to us, then there is something on the other side about people who lose their jobs, employers who are on the edge and say, ''Minimum wage? I cannot do it.''

You can make fun of those people and say they should, I guess, be subsidized by the Government or something to pay the minimum wage. But the issue is, they say ''I will go broke. So, therefore, I will not do that. Or, if that is the law, I cannot do it and I'm out.'' That is an argument just as valid as the one about children and spouses and the working man, and all of those things are what the American people know and see that is what we do. And that is what we do.

So, I am going to leave the issue for resolvement to that. And know that, at this point, this procedure of filling the tree and moving forward is not a patented process by the Republican majority; it is a patented process by the Democratic majority when they are in power. It is a tool to move legislation.

We have two choices here. Pull up something else or move forward. How can anyone argue—regardless of the passion of what you want to present to the body—how can you argue about not moving forward with a very important bill, and that is what we are attempting to do. It really is not as strange as it would appear.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I agree that the points the Senator from Wyoming made are valid points which ought to be part of a debate on the minimum wage. But effectively we are being precluded from the opportunity for action and for resolution. That is all we are asking for, whether 13 million families are entitled to 30 minutes of the Senate's time so we can make a decision on the issue of the minimum wage and also the proposal of Senator DORGAN. That is really what we are asking. It is not a great deal, but in order to preclude the Senate from taking that action we are finding out that we are using the unusual—and it is unusual—process by which the only amendments we are going to debate are going to be the amendments of the Senator from Wyoming or amendments that come through the process of the Senator from Wyoming.

So this is not progress in the sense it is giving Members of the Senate an opportunity to be able to raise issues that are important. They are effectively precluded from that because they are denied the right of recognition.

So we have to press, again, and indicate at the first opportunity we are going to offer it. Eventually the opportunity is going to come, because eventually—and people ought to understand it—when the time comes, and the final amendment is either agreed to or rejected, that prior to the time there is going to be disposition or a vote on this, it is going to be open, and others will be able to offer their amendments. So it might take a little while to be able to do that. We understand that. But that will eventually be the reality on that.

Mr. SIMPSON. Mr. President, if I might.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I enjoy, obviously, the Senator from Massachusetts because he does his work with a—down there, always—a crinkle in his eye and a twinkle. I know that one. I have seen it many times. This is, really—this is theater. It is Shakespeare—minor, minor, I can assure you. It is street Shakespeare. I do it, too. I will be Lear, raging into the wind, and Senator KENNEDY will be Puck.

Let me tell you, the minimum wage, when the Democrats had the control of this body and the House of Representatives and the Presidency, never appeared in this Chamber under any scenario from the wings—not once. Not once did President Clinton ever suggest we deal with the minimum wage. And since it became something that appeared in the focus groups, or the Knight tracking polls, it has been mentioned 47 times by the President.

So it is theater. But, really, if you stay in this game long enough—and I have been legislating for 30 years and obviously love it, but I am ready to do something else—if you play with the wheel with the fanny kicker on it, it will come around and get you. Hear this from my friend, Senator Ted KENNEDY, as we dealt with the health care reform bill. The CONGRESSIONAL RECORD, April 18, 1996, page S3513, quote of my friend, Senator KENNEDY:

> Members of the Senate who are serious about insurance reform should vote against all controversial amendments—including medical savings accounts. Senator KASSEBAUM and I have agreed that we will vigorously oppose all such amendments—even those that we might support under other circumstances.

Now, with the approval of the body, I ask unanimous consent that we insert the phrase ''illegal immigration reform'' and then just adopt that, because that is exactly what I am saying.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, Senator SIMPSON may say that this is theater, but it has dramatic results, by our action or inaction, for the 13 million families that would be affected about whether we are going to address the increase in the minimum wage, No. 1.

No. 2, the Senator, by mentioning the health care debate, understands—or should understand or may understand after this—that the increase in the minimum wage was deferred at that time because the impact and the effect on the hourly worker was considered to be a 40-cent to 50-cent increase as a result of a health care system. Those of us who had responsibility in that asked the workers do they want us to fight for an increase in the minimum wage, or do they want us to try and fight for health care, and overwhelmingly they said health care. We know it is 40 to 50 cents an hour. That was the battle. That was the battle then.

So the idea that we did not bring it up then—we did not bring it up then because we were fighting for the expansion of health care for the protection of workers, and we were denied that opportunity to have it because of Republican opposition.

I keep reading about who is responsible and who is not responsible about it. It was basically a Republican decision not to permit a vote on the U.S. Senate floor on health care, in order to show that we could not deal with that issue, and the Congress was ineffective in dealing with it. We understand that. We are not trying to rewrite history at this particular time, and we should not attempt to do it here today. That was the bottom line.

The value of health care, if we had gotten it, would have been that 40 to 50 cents an hour. So, once the Republicans effectively defeated it we moved on in, in terms of the introduction of the minimum wage as one of the first orders of business, if you look on our side. It was one of the first six pieces of legislation, and we have been asking for a vote on it for over 1 year and still are denied it, even though the Republicans support it and even though Republican Presidents Eisenhower, Nixon, and Bush actually voted in support of that measure.

So, I welcome the opportunity to have a substantive judgment and decision on that matter, which, eventually, when we go through these various amendments, we will have the chance to do, because we are not going to be closed out. We can go on and use these Senate rules in a way to put our good friend and colleague as the gatekeeper for the amendments, and he can use the rules in that particular way. But you are not going to get away from acting on the minimum wage at some particular time.

Finally, I do not think I really have to justify the decision that was made with regard to health care. That was a judgment that was made by Senator KASSEBAUM as well as myself.

So, if the Senator wants to have that kind of dispute as a way of getting legislation effectively through, it is a procedure which is used at other times, generally when the floor manager and the minority agree. We differed on this legislation, for some very important substantive reasons.

So, I think the circumstances are very much different. All we are looking for is 30 minutes on the minimum wage. Then we can get about concluding this very important legislation and be able to vote on it. We had, as the Senator from Wyoming knows, excellent markups with overwhelming participation, Republicans and Democrats, in the Judiciary Committee.

It was a great tribute to the Senator from Wyoming, for the involvement of the Members and the expression of differing views, that this legislation was reported out of committee. I am sure the Senate is going to make a judgment on this measure as well. But the idea that taking 30 minutes or an hour out of this kind of debate while we are processing amendments is unreasonable is incorrect—I would be glad to cut back our time.

I do not think I have used very much time in agreeing with the amendments of the Senator from Wyoming on these measures. Surely, we can cut out 1 hour of this day or tomorrow or whenever to debate the minimum wage when we have had important Republican support. The issue will not go away. I appreciate and understand the Senator's position on it.

Mr. SIMON. Will my colleague yield for a question?

Mr. KENNEDY. I will be glad to.

Mr. SIMON. When Senator SIMPSON mentions the health care bill and your statement and Senator KASSEBAUM's statement that they would resist any amendments, is it not true that any Member could offer an amendment, and, in fact, Senator DOMENICI offered an amendment with Senator KERRY here in this body? Any single Member could have offered a minimum wage amendment at that point. The procedure we are following here is dramatically different. Is that not correct?

Mr. KENNEDY. The Senator is entirely correct. We did not attempt to gag the membership, which effectively this process does. The only way you get consideration is to have the Senator from Wyoming, with the position of the majority leader, recognized. That has been a time-honored tradition which I respect and support. If not, then it goes to the minority leader. Under the Senate rules, Senator DASCHLE could come out here and offer that amendment. Then Senator DOLE would have to come out here and proceed in order to block that amendment.

We could go through that kind of a routine and put the Senate in stalemate. I mean, we are all dealing with this and understand the nature of these rules. I suppose sometime that will come to pass. But what we are trying to do is get an orderly procedure to be able to go forward.

Just finally, I say to my friend and colleague, maybe these discussions about how we could try to find common ground in the minimum wage are going on, but I do not know where they are going on. I do not think those of us who have been most involved—myself, Senator KERRY, Senator WELLSTONE, other Members, and, to the best of my knowledge, Senator DASCHLE—are aware of these negotiations.

What we are aware of is the preposterous position that the majority leader of the House of Representatives put forward yesterday as a position of the Republicans in the House, which effectively would say we are going to repeal the EITC, and therefore save $15 billion. That would be funds that would go to the people who are working on the lowest rung of the ladder, the economic ladder, and then we will set up an entirely new entitlement with the Internal Revenue Code to subsidize these workers who are working in restaurants and as teachers aides and as other health aides, working in Head Start programs, cleaning out buildings, that they would still get the $4.25 but get another subsidy from the Federal Government—a new entitlement.

Of course, that subsidy will be paid for by taxes that are coming from other workers. That is a new entitlement, a new bureaucracy, a new subsidy for companies. If that is the proposal, why do we not just get about the business of debating it and disposing of it. Maybe there are those who want to do it. But as the Senator from Illinois points out, let us at least permit a vote on this measure. Let us at least permit the Senate to speak. Let us get a short time period and have a debate on it.

That is what we are prepared to do. We are not trying to say, well, we are not prepared to go through, even though we are being denied an opportunity to vote on the minimum wage, which has received Republican and Democratic support. We are not at this point saying, well, we are not going to play ball with you on immigration. We could certainly have done that. We believe that is an important measure. But up to this time that has not been done. Eventually we will, under the Senate rules, have an opportunity to have these offerings of amendments on the minimum wage on other measures.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I think we could go on—and we may—but I think, as we get back to the substance of minimum wage—and apparently the Senator does that—and I think I misspoke earlier about Shakespeare. I think Senator KENNEDY is King Lear and I am puck, because certainly he launched one end of the tempest there, and here I am. But we will resolve this.

We will move forward perhaps, or we will not. If suddenly the procedure fails at this time, we will come back to it tomorrow or the next day, whatever it may be. But since we want to talk about the substance of minimum wage, I think it is important then just quickly, if I may, to talk about it in connection with immigration, because the other day in debate the Senator from Massachusetts talked about janitors.

Do you know what happened to janitors in the last 15 years? Janitors in Los Angeles in public buildings were making $12 an hour or $14. You know what they make now? $6. You know why? Because we in this body have allowed a glut of immigration to come to the United States and especially to that city, and the union janitors no longer are in a job at $12. The nonunion foreign immigrants came and knocked off the union wage.

Now we have the situation—if we are wanting to talk about the plight of janitors—there is a study by the General Accounting Office noting that janitors in downtown Los Angeles office buildings had won excellent wages and working conditions through their unions since World War II. By 1983, the prevailing wage reached $12 an hour—this is a GAO report. The ability to deliver credible threats to strike if wage increases were not forthcoming played a very important role in that success.

I know where Senator KENNEDY is on that one. But Congress, those of us in Congress, overriding the recommendations of a Federal commission on which Senator KENNEDY and I served, continued a legal immigration program that poured hundreds of thousands of foreign workers into the country annually during the 1980's—hundreds of thousands. Thus, Washington, thus us, inadvertently provided the opportunity for aggressive, nonunion businesses to take the jobs or deflate the wages of union workers, union workers in the Los Angeles area, taking over the office building contracts. Most of the native born workers were then driven from their jobs. Real wages for the foreign born and remaining native born have fallen further toward and even down to the minimum wage. There is a tie here somewhere, and we will get to it. We will discuss it. Now I have opened Pandora's box once again, but realizing the hazard of that. But there is where we are. We go ping pong all day long. It is theater, any way you cut it.

Mr. KENNEDY addressed the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The Senator from Florida has been very accommodative. I will just take one moment.

The Senator's comments are old news, old news to certainly this Senator and, I think, to most Senators. That is why in the legal immigration we have effectively cut out the unskilled workers. That was initially either a proposal of mine or Senator SIMPSON on which we both had agreement. So that particular feature is excluded.

The reason we are continuing to see the depression in terms of those wages is because of illegal, not the legal, because we have effectively terminated that.

I will welcome the opportunity for debate about how this legislation and the legal immigration is going to protect American workers. I say in fairness that the Senator from Wyoming had included in initial proposals some additional provisions for the protections of American workers which I supported. I think we could have expanded on it.

Now, with regard to the legislation actually reported out of the committee, we have moved back from those kinds of protections. I think it is enormously important that we have those kind of protections. We will have a chance to talk about that as well.

Mr. GRAHAM. Mr. President, the issue of illegal immigration is an extremely serious one for America. Few places are as affected by that issue as my State of Florida. My State represents approximately 6 percent of the population in the United States. It is estimated that 10 percent to 15 percent of the illegal aliens who are in the United States are in the State of Florida. Within the last 4 years there were periods in which over 4,000 persons from Haiti alone entered into small boats in order to get to the United States, primarily through Florida, and would have added further to that population of illegal aliens.

Mr. President, my concern, therefore, is not that this Congress should deal with this subject. It is important, critical that we do. Rather, I believe there are at least two areas of this bill through which a serious fault line runs. This is not Shakespearian theater. This is structural engineering. The first of those fault lines, and the two are related, is that while this bill has as its label, illegal immigration, S. 1664 says in its heading, in its title, ''To Amend the Immigration and Nationality Act to Increase Control Over Immigration to the United States by Increasing Border Patrol,'' et cetera. The focus of this bill is illegal immigration.

The first fault line, however, is that within this bill on illegal immigration there are major provisions which affect legal aliens, either totally affect legal aliens or substantially affect legal aliens. To pick one specific example which I hope will be dealt with before we complete action on this legislation, this bill that purports to deal with illegal immigration would change the conditions under which persons who are in this country with a legal status are allowed to adjust that legal status.

Since the early 1980's, the United States has recognized the special circumstances of Cubans coming to the United States and have had special provisions in which persons who were here legally of Cuban nationality can adjust their status. This bill, which purports to deal with illegal aliens would substantially restrict that right. This is only available to persons who are here legally. I cite that as just one example.

Other examples of the mixture of illegal and legal go to the fact that by changing the eligibility standards for legal aliens, substantial additional costs are going to be imposed upon the communities and States in which these aliens live. So the second faultline in this legislation are significant unfunded mandates which are being imposed upon States and local communities.

It is ironic, Mr. President, that the very first bill introduced in this Congress, S. 1, was a bill which had as its title the Unfunded Mandates Reform Act of 1995. Let me read from the statement of the purpose of the Unfunded Mandates Reform Act of 1995. The purpose of this act, which is now Public Law 104–4, the fourth bill that became law as a result of actions of the 104th Congress, the purposes of the act are:

> To strengthen the partnership between the Federal Government and State, local, and tribal governments; 2, to end the imposition in the absence of full consideration by Congress of Federal mandates on State, local, and tribal governments without adequate Federal funding in a manner that may displace other essential State, local, and tribal governmental priorities . . . 6, to establish a point of order vote on the consideration in the Senate and the House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates.

Those were some of the purposes that led this Congress to adopt as its fourth legislative action of the 104th Congress the Unfunded Mandates Reform Act of 1995.

When the Senate was debating this proposal, Mr. President, the majority leader, Senator DOLE, stated,

> Mr. President, the time has come for a little legislative truth in advertising. Before Members of Congress vote for a piece of legislation, they need to know how it would impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for it.

That statement by our majority leader was an important part of this Senate's determination to pass the Unfunded Mandates Reform Act of 1995.

So what are we about today, Mr. President? We are about legislation which would impose massive unfunded mandates on States and local communities in America. The Congressional Budget Office has, in a very limited time, reviewed this legislation's very broad sweeping impact on State and local governments. They have determined that this bill does, in fact, meet the $50 million threshold for unfunded mandates procedures due to the bill's requirements governing just two items: Birth certificates and drivers' licenses. Thus, although the bill would impact literally hundreds of programs run by State and local governments, just these two relatively minor programs reach the threshold of $50 million, which under the legislation constitutes unfunded mandates.

With respect to the all-encompassing deeming requirements imposed on hundreds of Federal, State, and local programs in this legislation, the Congressional Budget Office says,

> Given the scope and complexity of the affected programs, however, the Congressional Budget Office has not been able to estimate either the likelihood or magnitude of such cost at this time. These costs could be significant, depending on how strictly the deeming requirements are enforced by the Federal Government.

On another issue, the Congressional Budget Office has stated under the terms of means tested State and local tested programs,

> It is likely that some aliens displaced from Federal assistance programs would turn to assistance programs funded by State and local governments, thereby increasing the cost of these programs. While several provisions of the bill could mitigate these costs, CBO states that such tools would be used only in limited circumstances in the near future. At some point, State, and particularly local governments, become the providers of last resort, and as such we anticipate that they would face added financial pressure on their financial assistance programs.

Mr. President, this bill fails to meet the majority leader's truth-in-advertising test. It is not strictly an illegal immigration bill, and it does have serious

financial implications for States and local communities. We are preparing to vote on a bill that we truly have not the foggiest idea what the impact will be on our constituents. They certainly are extremely concerned and strongly supportive of resolving this issue of unfunded mandates.

I have a letter dated April 16 from the National Conference of State Legislatures. This letter is also joined by the National Association of Counties and the National League of Cities. This letter urges all Senators to support a point of order against S. 1664, the illegal immigration bill, based on the violation of the unfunded mandates bill. This so states—the President of the National Conference of State Legislatures, the President of the National Association of Counties, and the President of the National League of Cities—''This constitutes a critical test of your commitment to preventing cost shifts to an unfunded administrative burden on State and local governments.'' This is what the leaders of State and local governments have described as the seriousness of the issue of unfunded mandates raised by this bill.

During the Judiciary Committee markup of this bill, Gov. Tommy Thompson of Wisconsin and Gov. Bob Miller of Nevada wrote in a letter, dated March 6, on behalf of the National Governors' Association, expressing concern about ''administrative provisions contained in the bill,'' which, if enacted, ''could result in an unfunded mandate being passed on to State and local governments.''

This concern of Governors Thompson and Miller has, of course, now been confirmed by the Congressional Budget Office. Moreover, the National Association of Public Hospitals wrote to all Senators on April 12, noting, ''This bill will lead to an increase in the number of uninsured patients and exacerbate an already tremendous burden of uncompensated care on public hospitals.''

This gets to another point that I offered in the unfunded mandates bill, which seemingly has gone unnoticed by the Congressional Budget Office, despite a vote of 93 to 6. That was a provision, which is now part of the Public Law 104–4, which states that any Federal reductions in ''reimbursements to State, local, and tribal governments for the costs associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education, or criminal justice,'' constitute part of the potential new obligations imposed upon States and are subject to the point of order as unfunded mandates.

In numerous ways, S. 1664 does exactly that. It eliminates Federal reimbursement to the States, according to the Congressional Budget Office, by about $7 billion. I repeat, it eliminates Federal reimbursement to the States by about $7 billion over the period 1996 to 2002, a substantial portion of which is in health care costs associated with immigrants.

In short, this bill, once again, creates an enormous unfunded mandate on State and local governments. Once again, I repeat the quote from the Congressional Budget Office: ''Given the scope and complexity of the affected programs, however, CBO has not been able to estimate either the likelihood or magnitude of such costs at this time. These costs could be significant, depending on how strictly the deeming provisions are enforced by the Federal Government.''

Mr. President, while the CBO has been unable to do a comprehensive report, the National Conference of State Legislatures has undertaken that task. Our colleagues in the State capitals across the Nation, legislators, as are we, who administer these programs we are talking about today, have assessed what the impact will be on States. Although they were, like the Congressional Budget Office, limited in the time available to complete this analysis, the National Conference of State Legislatures developed a very conservative cost estimate for just 10 of the affected programs.

This study did not include Medicaid and 40 other Federal means-tested programs. What did the National Conference of State Legislatures find?

First, after contacting more than 10 States, States of varying size, they concluded that ''regardless of the size of the immigrant population, all States and localities will have to implement these unfunded mandates.''

In other words, the bill impacts a city in Iowa or Delaware just as it might in Los Angeles, CA, or Miami, FL. The bill requires all Federal, State, and local means-tested programs to have a new citizenship verification bureaucracy imposed upon them.

All programs, regardless of whether the new bureaucracy costs exceed benefits, regardless of whether it imposes a very large unfunded mandate on State and local programs, all programs are impacted by this bill. What are the estimated costs, even for just the 10 programs which have been studied? According to the NCSL study, ''The cost of these new requirements for 10 selected programs would result in a $744 million unfunded mandate.'' Repeating, ''The cost of new requirements for 10 selected programs would result in a $744 million unfunded mandate.''

The National Conference of State Legislatures adds, ''Of course, if the 40 other programs, including Medicaid, adoption assistance, and the WIC programs, are included, the unfunded administrative burdens on States and localities would substantially increase.''

Mr. President, the NCSL study indicates that unfunded mandates for just 10 programs will be $744 million. Once the other multitude of programs are analyzed, the costs imposed on State and local government could far exceed a billion dollars. It could very well amount to several billion dollars.

However, Mr. President, there are no provisions in the pending legislation to reimburse State and local governments for the administrative costs and the cost shifts which will be imposed upon them by this bill.

As the majority leader said on January 4, 1995, when we were passing the unfunded mandates bill:

> We do not have all the answers in Washington, DC. Why should we tell Idaho, or the State of Kansas, or the State of South Dakota, or any other State, that we are going to pass this Federal law and we are going to require that you do certain things, but we are not going to send you any money? So you raise taxes in the local communities or in your State. You tax the people, and when they complain about it, say, ''Well, we cannot help it because the Federal Government passed this mandate.'' So we are going to continue our drive to return power to our States and our people through the 104th Congress.

Those were the words of Senator DOLE on January 4, 1995. Mr. President, we have now come to a point of decision as to our credibility. When we passed this legislation, as the fourth bill of the 104th Congress, one of the items in the Contract With America, one of the items upon which State and local governments are now making important decisions, which they have believed the legitimacy of our representations that we are no longer going to be casually and in an unstudied way, imposing major costs upon them. Are we now going to be prepared to meet the test?

We have a bill which says that it only relates to illegal aliens; yet, an analysis indicates that it clearly has major impacts on legal aliens.

Second, we find that a significant part of that impact on legal aliens is to impose significant new unfunded mandates—financial responsibilities—on States and local communities. I do not think that is what we want to do. We have a choice. Clearly, a point of order is now available against this bill. We could end further discussion. I am reticent to raise that point of order because I believe it is important that we pass an illegal immigration bill that will in fact strengthen our ability to protect the borders of America and to assure that our lawful means by which persons can come to the United States are available and are not dismissed, as they have been so frequently in the recent past, by persons who come here illegally.

I also am reluctant to raise this point of order at this time because we still have an opportunity to correct this legislation and to remove those provisions which are imposing these mammoth unfunded mandates on States and local communities.

We are in a strange parliamentary process, but I hope that even through this byzantine process we will be able to consider those amendments that will be faithful to our commitments not to impose new unfunded mandates in the manner in which we are doing in this legislation upon our citizens at the State and local level.

So, Mr. President, my purpose in these remarks is to raise these two important structural defects in the bill—a mixture of impacts on legal aliens, and a bill that is labeled ''illegal immigration'' and the imposition of major unfunded mandates on States and local communities.

It is my hope that by raising these issues, it will contribute to reforming this bill in a way that brings a good engineer into the foundation of this legislation, pour some concrete, and strengthen the integrity of this legislation. If that is done, then the unfunded mandate point of order would no longer be available.

If that is not done, I want to assure my colleagues that the point of order will be raised because I am committed that we not only strengthen our resolve against illegal immigration but that we also demonstrate our credibility to not impose mammoth unfunded mandates on our State and local governments.

I ask unanimous consent that the letter and other material from the National Conference of State Legislatures be printed in the RECORD.

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

NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF CITIES,

April 16, 1996.

DEAR SENATOR: On behalf of the National Conference of State Legislatures (NCSL), the National Association of Counties (NACo) and the National League of Cities (NLC), we are writing to alert you that according to both the Congressional Budget Office (CBO) and our own analysis S. 1664, The Immigration and Financial Responsibility Act of 1996, is in violation of P.L. 104–4, The Unfunded Mandates Reform Act.

Certain portions of S. 1664 would place unfunded federal mandates on states and localities through new national requirements for driver's licenses and birth certificates and by extending legal immigrant benefit restrictions to all federal means-tested programs. CBO estimates that the driver's license and the birth certificate mandates alone could cost states and localities in excess of $200 million. This clearly exceeds the $50 million threshold needed for a point of order against S. 1664 in accordance with P.L. 104–4.

In addition, a study by the National Conference of State Legislatures has found that the deeming requirements of S. 1664 would impose even greater unfunded federal costs on state and local governments. (CBO was unable to conduct an analysis of the deeming requirements, but stated that ''it is possible that the administrative costs associated with applying deeming requirements to some federal means-tested entitlement programs would be considered mandate costs as defined in P.L. 104–4.'') The NCSL study of just ten affected programs, not including Medicaid and 40 other programs, reveals that the costs to state and local government of these new requirements is $744 million.

As you know, ''deeming'' is attributing a sponsor's income to the immigrant when determining program eligibility. S. 1664 would extend deeming from three programs (AFDC, SSI and Food Stamps) to 50 federal means-tested programs including foster care, adoption assistance, school lunch and WIC. Regardless of the size of the immigrant population, all states and localities will have to implement these unfunded mandates. By mandating that state and local governments deem for all these programs, the legislation requires states and localities to extend a complicated administrative procedure to more than 50 federal programs. These mandates will require states to verify citizenship status, immigration status, sponsorship status, and length of time in the U.S. in each eligibility determination for the deemed federal programs. They will also require state and local governments to implement and maintain costly data information systems.

Therefore, we urge you to support a point of order against S. 1664 based on the violation of P.L. 104–4. This is a critical test of your commitment to preventing cost-shifts to and unfunded administrative burdens on state and local government.

NCSL, NACo and NLC will support subsequent amendments to reduce the scope of the deeming provisions and the onerous administrative requirements. We oppose the provision to extend the deeming requirements to all non-cash, federal means-tested programs. These mandates also garner almost no federal savings and should be eliminated as part of the Congressional commitment to eliminating cost shifts to state and local budgets and taxpayers. We urge you to support amendments to limit deeming to the federal programs that deliver income support and food assistance and to ensure that states and localities will not have to implement deeming for any program where administrative costs would exceed any estimated net savings or benefit expenditures.

Without this amendment, states and localities will have to deem applicants for everything funded by federal means-tested programs from foster care to children's soccer leagues to mobile meals to after-school tutoring programs. The administrative burden would severely restrict the number of services that could be provided and be a bureaucratic nightmare, especially for states and localities with fewer immigrants.

We also strongly support amendments to exempt vulnerable populations such as legal immigrants who become disabled after arrival, children under 18, pre-natal and post-partum women, and veterans and their families from the deeming restrictions. These groups are among the most vulnerable members of our communities. NCSL, NACo and NLC are also concerned about immigrants who enter the U.S. legally and comply with U.S. immigration laws in good faith. Legal immigrants who play by the rules should not be barred from the SSI program if they become disabled after arrival. No one can predict when they might suffer a disability; these immigrants must be included in the SSI program.

We are especially concerned about the impact of extending the deeming requirements to the Medicaid program. Without this program eligibility, many legal immigrants will not have access to health care. Legal immigrants will be forced to turn to state indigent health care programs, public hospitals, and emergency rooms for assistance or avoid treatment altogether. This will in turn endanger the public health and increase the cost of providing health care to everyone. Furthermore, without Medicaid reimbursement, public hospitals and clinics and states and localities would incur increased unreimbursed costs for treating legal immigrants. Exempting emergency Medicaid services from sponsor deeming is especially justified because emergency medical care must be provided by all hospitals with emergency rooms without regard to the patient's ability to pay or immigration status.

Finally, we are also concerned about the provisions mandating national standards for state and local documents such as birth certificates and driver's licenses. We support maintaining state and local choice in the design of these documents. These are very sensitive public policy issues. S. 1664 would preempt a number of state laws including those that specifically prevent using social security numbers as identification on driver's licenses and other identification cards. These mandates may violate the Supreme Court decision in New York v. United States that prohibits making states the administrative arm of the federal government. Furthermore, these provisions also place costly unfunded mandates on state and local governments that prevent such use of social security numbers or do not use tamper-proof paper for birth certificates.

We appreciate your consideration of our concerns and urge you to support these amendments to minimize the cost shift and unfunded mandates to states and localities.

Sincerely,

JAMES J. LACK,
New York Senate, President, NCSL.

DOUGLAS R. BOVIN,
Commissioner, Delta County, MI, President, NACo.

GREGORY S. LASHUTKA,
Mayor, Columbus, Ohio, President, NLC.

MEMORANDUM

To: Interested Parties.

From: Sheri Steisel, National Conference of State Legislatures. Jon Dunlap, National Conference of State Legislatures. Marilina Sanz, National Association of Counties.

Date: April 15, 1996.

Re: Unfunded Mandate Violations of More Than $900 Million In S.1664/S.269.

As you may be aware, on Friday (4/12/96) the Congressional Budget Office released its score of S.269 (now S.1664), the Immigration Control and Financial Responsibility Act of 1996. In this score, CBO states that a number of provisions in S.1664 would place unfunded federal mandates on states and localities. CBO estimates that the driver's license and birth certificate provisions alone could cost states and localities in excess of $200 million. This alone is a violation of the provisions of S.1, the Unfunded Mandates Act of 1995 and is certainly more than the $50 million threshold needed for a point of order against S.1664 on the Senate floor.

As for S.1664's new deeming requirements for all federal means-tested programs, CBO states that given the scope and complexity of the affected programs, they were unable to estimate these costs at this time. CBO found that ''it is possible that the administrative costs associated with applying deeming requirements to some federal means-tested entitlement programs would be considered mandate costs as defined in Public Law 104–4.'' As you know, S.1664 would extend deeming from the 3 current programs (AFDC, SSI, and Food Stamps) to more than 50 federal means-tested programs, most of which provide social services at the local level.

The National Conference of State Legislatures (NCSL) has developed cost estimates for 10 affected programs (not including one of the largest, Medicaid, and 40 other federal means-tested programs). We have consulted with more than 10 states of varying size. However, regardless of the size of the immigrant population, all states and localities will have to implement these unfunded mandates. The NCSL study found that the cost of these new requirements for 10 selected programs would result in a $744 million unfunded mandate. Of course, if the 40 other

programs, including Medicaid, Adoption Assistance, and WIC, are included the unfunded administrative burden on states and localities would substantially increase.

In the Senate debate, NCSL and NACo will strongly support a point of order against S.1664 and subsequent amendments to reduce the scope of the deeming requirements and the administrative burden the requirements place on states and localities.

NATIONAL CONFERENCE OF STATE LEGISLATURES

UNFUNDED MANDATES IN IMMIGRATION BILL: COST ESTIMATE OF S.269/S.1664 DEEMING MANDATE

Enclosed are the following: (1) the list of programs that we believe meet the unfunded mandate criteria contained in S.1 Unfunded Mandates Act and CBO's interpretation of the law; (2) an estimate of the infrastructure, training and implementation costs that states and localities would incur in order to implement deeming for these 10 programs; and (3) the list of over 40 additional federal means-tested programs that do not meet the criteria in S.1 but the states and localities would also have to implement deeming for. We estimate that the total cost of the deeming unfunded mandate in S. 1664 for the 10 programs that meet S.1 criteria is $743.66 million. These costs rise substantially when all other federal means-tested programs, such as Medicaid, Adoption Assistance, WIC, and others, are included (see attachment part III).

Assumptions about deeming

In order to comply with the deeming mandates in S.269 (''to implement deeming for all federal means-tested programs'') we believe that states and localities will have to adhere to a process similar to the following.

A citizenship verification must be made for all applicants of all federal means-tested programs. This means that each applicant must have an interview with a caseworker who will verify citizenship status and check valid documentation (e.g., birth certificate, passport, etc.). We do not believe that a written attestation of citizenship will be sufficient because any applicant for assistance could claim citizenship status, even illegal immigrants. Federal means-tested programs that do not have an intake process and an eligibility determination system in place will have to create them to provide a credible verification of citizenship status. We believe that creating these systems and hiring staff to administer them will be very costly (see #1 below).

After establishing who the noncitizens are, the caseworker must use the System of Alien Verification of Eligibility (SAVE) secondary verification process to determine which noncitizens have sponsors. As with the citizenship verification, we believe that requiring a written attestation of sponsorship status is not credible because of the enormous loophole in creates. At this time the SAVE secondary verification process is the only credible way to verify sponsorship status. With extensive training, caseworkers may be able to identify as many as ⅓ of all noncitizen applicants who would not have sponsors without accessing SAVE through secondary verification. Therefore, we estimate that ⅔ of all noncitizen applicants will need to be checked for sponsorship through the SAVE secondary verification process.

States and localities report that it currently takes INS an average of 3.5 weeks to respond through secondary verification on sponsorship requests for the three programs that deem. We would expect this time lag to increase as more programs deem (whether it be the 10 that meet S.1 criteria or the 50-odd possible means-tested programs) and SAVE's secondary verification process is overwhelmed. This may conflict with federal application processing requirements leading to difficulties with audits and quality control sanctions, especially in programs like AFDC, Medicaid, Foster Care and IV–D Child Support.

After INS informs the caseworkers about sponsorship, caseworkers must calculate deemed income. State and local administrative staff will have to be trained to verify citizenship, identify immigration documents, use the SAVE secondary verification process, calculate deemed income and understand deeming exceptions to make this process workable and credible. In addition to infrastructure and training costs, states and localities will also experience on-going implementation costs associated with the staff time needed to access SAVE and make the complicated deeming calculation.

For more information please contact Jon Dunlap, or Sheri Steisel, in NCSL's Washington, DC office.

I. SELECTED FEDERAL MEANS-TESTED PROGRAMS AFFECTED BY DEEMING UNFUNDED MANDATE IN S. 269:

No Intake Process and No Current Deeming Requirement: School Lunch, School Breakfast, Child and Adult Care Food Program, Vocational Rehabilitation, Title XX Social Services Block Grant.

No Current Deeming Requirement: Foster Care, IV–A Child Care, IV–D Child Support, Medicare—QMB.

Deeming: Food Stamps, AFDC.

II. COST ESTIMATE

We have separated the costs into three parts: (1) capital/infrastructure; (2) staff training; and (3) on-going/implementation.

1. Capital and Infrastructure Costs: A citizenship verification must be made for all applicants of all federal means-tested programs. This means that each applicant must have an interview with a caseworker who will verify citizenship status and check valid documentation (e.g., birth certificate, passport, etc.). Federal means-tested programs that do not have an intake process and an eligibility determination system in place will have to create them to provide a credible verification of citizenship status.

A. What federal means-tested programs do not have an intake process?

1. Examples: School Lunch/Breakfast, Child and Adult Care Food, Title XX, Voc. Rehab.

B. What is the cost for creating an intake process?

1. Number of programs needing intake process = 4.

2. Number of new staff/program needed to admin. new intake processes:

a. School Lunch-Breakfast = 1 staff/school district 14,881 school districts = 14,881 staff (American School Food Service Association).

b. Adult and Child Care Food = 1 staff/county x 3,042 counties = 3,042 staff.

c. Title XX SSBG = 1 staff/county 3,042 counties = 3,042 staff.

d. Vocational Rehabilitation = 1 staff/county 3,042 counties = 3,042 staff.

3. Total number of new staff to create new intake processes = 24,007 staff.

4. Average annual salary of new staff = $30,000/staff/year (National Eligibility Workers Association and National Association of Social Workers).

5. Total cost of new staff = 24,007 new staff $30,000 avg. staff salary = $720.21 million.

6. Creating or updating eligibility manual (including pictures of acceptable documentation) and reprogramming computers = $2 million (this could be higher, we are checking with state welfare agencies)

Subtotals: New Staff = $720.21 million, Other Costs = $2.0 million, Federal Administration Contribution = $0 (None of these programs would be federal admin. funds).

Total: $722.21 – $0 (Fed Share) = $722.21 million.

2. Staff Training for Immigration Verification, SAVE and Deeming Administration: After establishing who the noncitizens are, the caseworker must use the System of Alien Verification of Eligibility (SAVE) secondary verification process to determine which noncitizens have sponsors. With extensive training, caseworkers may be able to identify as many as ⅓ of all noncitizen applicants who would not have sponsors without accessing SAVE through secondary verification. Therefore, we estimate that ⅔ of all noncitizen applicants must be checked for sponsorship through the SAVE secondary verification process. When INS informs the caseworkers about sponsorship, caseworkers must calculate deemed income. State and local administrative staff will have to be trained to verify citizenship, identify immigration documents, use the SAVE secondary verification process, calculate deemed income and understand deeming exceptions.

A. Staff time costs: 1 day training at $15.00/hour8 hours=$120.00/day/person.

B. Trainer's costs: $1200/training session (Center for the Development of Human Services—NY).

C. Number of people needing training:

1. school lunch-breakfast=14,881 staff.
2. child and adult care food=3,042 staff.
3. Title XX=3,042 staff.
4. Vocational Rehabilitation=3,042 staff.
5. IV–E Foster Care=3,042 staff.
6. Medicare QMB=3,042 staff.
7. IV–A Child Care=3,042 staff.
8. IV–D Child Support=3,042 staff.

Total=36,175 staff.

D. Number of people trained per session=35 (Ctr. for Dev. of Human Services—NY).

F. Total number of training sessions: 36,175 staff/35=1,033 sessions.

G. Total cost/session=$1,200 trainer+($120/person35 attendees=$4,200 staff time/session)=$5,400.

Subtotal: Total cost of start-up training=$5,400 (cost/session)1033 (number of sessions)=$5.58 million Total Federal Administration Contribution=$1.8 million (30% Federal reimbursement after accounting for average of 50% federal administrative reimbursement for most programs but no federal assistance for the large nutrition programs such as school lunch/breakfast and child and adult care food admin. cost).

Total: $5.58 million–$1.8 million (Fed Share)=$3.78 million.

3. On-Going Implementation Costs: After consulting with a range of state and local officials, including LA County, Colorado, New York, Rhode Island, Iowa, West Virginia, Virginia, Minnesota, and Texas, we believe that the on-going implementation of deeming will be cost prohibitive. According to the 1994 Census, 15 million noncitizens reside in the U.S. After consulting with the INS and the urban Institute, we estimate the approximately 10%, or 1.5 million, will apply for a federal means-tested program each year. This percentage would be even higher if we used research from George Borjas, a well-known immigration demographer, who estimates immigrant public assistance use at closer to 20%. Many noncitizens will apply for multiple programs or apply for a single program multiple times. We are unsure about how to account for the number of noncitizens who might file multiple applications. Because no comprehensive information system exists to record and unify data on all federal means-tested programs, each application will require a separate verification and inquiry of the SAVE secondary verification system. After consulting with Los Angeles County, we multiply the number of

applicants by a factor of 1.5 to account for additional procedures resulting from multiple applications. After consulting with the INS, we estimate that if caseworkers receive extensive training in reading immigration documents, they will be able to vet up to ⅓ of all noncitizen applications. The remaining applications will have to be referred to the SAVE secondary verification process. We estimate that 50% of all secondary SAVE inquiries will require a deeming procedure (Congressional Research Service). We divide the total number of SAVE inquiries in half to bet the total number of deeming procedures per year.

A. Total number of noncitizens applying for selected federal means-tested programs per year = # SAVE 2nd verifications inquiries to be scored by CBO: 15 million non-citizens in U.S. (census 1994)—10% (1.5 million) apply for one of the selected federal means-tested programs—we use a 1.5 multiplier for selected federal means-tested programs (1.5 million 1.5 multiplier = 2.25 million applications)—One-third of applications can be vetted through immigration document checking (2.25 mil − 742,500 = 1.49 million) = 1.49 million SAVE inquiries per year for the selected federal means-tested programs.

B. Total number of deeming procedures/year = 1.49 million 2nd SAVE inquiries .5 for noncitizens without sponsors = 742,500 deeming procedures/year for selected programs.

C. Average cost per inquiry of SAVE 2nd verification (staff time, costs for accessing save):

1. 30 min. of staff time per 2nd verification inquiry at $15.00/hour = $7.50/inquiry of staff time (HHS Office of Inspector General).

2. Other costs for accessing SAVE might include phone, copying, mailing, etc. = $1 million.

D. Average additional cost of administering deeming procedures (reinterview, calculation, exemptions).

1. 1.5 hours staff time/deeming procedure at $15.00/hour = $22.50/deeming procedure (National Eligibility Workers Association survey).

E. On-going training costs:

1. Avg. annual turnover of caseworker staff = 10% (National Association of Social Workers).

2. Number of new staff/year = 36,175 staff 10% turnover = 3,617 new staff/year.

3. Number of new training sessions/year = 3,617 new staff/35 per session = 103 sessions/year.

4. Total cost of on-gong training/year = 103 sessions $4,500/session = 556,200/year.

Subtotals: SAVE inquiry costs = $7.50/per inquiry 1.49 inquiries = $11.18 million. Other ongoing admin. costs = $1.0 million. Deeming staff costs = $22.50/per deeming procedure 742,500 procedures = $16.71 million. On-going training cost = $556,200.

Federal Administrative contribution: $8.84 million (30% Federal reimbursement after accounting for average of 50% federal administrative reimbursement for most programs but no federal assistance for the large nutrition programs such as school lunch/breakfast and child and adult care food admin. costs).

Net Total: $29.45 million (On-going cost) − $8.84 million (Fed Share) = $17.67 million.

Estimated total net Capital/Infrastructure cost: $722.21 million.

Estimated total net training cost: $3.78 million.

Estimated total net on-going implementation cost: $17.67 million.

Estimated total net cost: $722.21 million + $3.78 million + $17.67 million = $743.66 million.

IV. OTHER FEDERAL MEANS-TESTED PROGRAMS

Medical Benefits: Medicaid, Maternal and Child Health Services Block Grant, Migrant Health Centers, Community Health Services, Title XX Family Planning Services.

Cash Benefits: SSI-Supplement, Adoption Assistance, Emergency Assistance to Needy Families with Children. Child Care Development Block Grant.

Food Benefits: WIC, Summer Food Service Program for Children, Commodity Supplemental Food Program, Special Milk.

Housing Benefits: Section 8 Housing Assistance, Public Housing, Rural Housing Loans, HOME, Rural Rental Housing Loans, Section 236 Interest Reduction, Farm Labor Housing Loans and Grants, Section 101 Rent Supplements.

Education Benefits: Title I Grants for Educationally Deprived Children, Pell Grants, Head Start, Stafford Loans, Even Start, College Work Study, Supplement Education OPP. Grants, Perkins Loans, State Student Incentive Grants.

Services: Community Service Block Grant, IV–B Child Welfare, Emergency Food and Shelter Program.

Jobs and Training: Adult Training Program, Summer Youth Employment, Youth Training Program, Foster Grandparents, Senior Companions, Senior Community Service Empl.

Energy Assistance: LIHEAP, Weatherization Assistance.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Ohio.

Mr. DEWINE. Mr. President, let me first compliment my colleague and friend from Florida for his very fine statement, particularly in regard to his recitation of the unfunded mandates that are in this bill. I have several of the same concerns that he does.

We have an employer verification system here that is going to cost money. It is going to cost money for employers. It is going to cost money for States and local communities.

I have other serious concerns about this employer verification system as well.

My colleague from Michigan, Senator ABRAHAM, will be offering later in this debate an amendment dealing with that employer verification problem that is in the bill. My friend from Florida has also pointed out another, I think, very important problem, a huge unfunded mandate; that is, the birth certificate changes that are required in this bill.

I think it is going to come as a shock, when we get into this debate, to my colleagues and to the American people to find that under the terms of this bill the birth certificates that every American has are still going to be valid after the bill passes. They just will not be able to use them much for anything. You are going to have to go back to the place where the birth took place and get a new birth certificate if you want to get a passport or if you want to use it for other official business. It is just going to be absolutely a total nightmare.

Now is not the time to get into this in detail, but I will be offering an amendment at the appropriate time to strike that provision because it would be very, very ironic that a U.S. Congress that has put itself on the block and said finally we are going to heed what local elected officials are telling us, finally we are going to listen, finally we passed this unfunded mandate bill saying we are not going to do this anymore, or at least, if we do, we are going to recognize that we are doing it and admit that we are doing it—it would be the height of irony if this Congress which said that would pass such a huge unfunded mandate that my colleague from Florida has pointed out is absolutely huge.

Imagine telling everybody in this country that your birth certificate is still valid technically but you just cannot use it for much of anything. Imagine the cost to the counties, or whatever local jurisdiction you have in your home State that issues birth certificates, when people start flocking back and going home to get these new birth certificates issued to qualify. The only way they qualify is if some Federal bureaucrat in Washington, DC, says, ''Well, yes, that is OK. That type of format is OK. The paper is OK. The format is OK. The information is OK. Yes, you can use that type of birth certificate.'' A huge unfunded mandate that is absolutely crazy.

I think when my colleagues look at this issue and we get into the debate about the cost of this, people are going to really be shocked.

Let me turn, if I could, Mr. President, to what I understand is the pending business; that is, the Simpson amendment that deals with open field searches.

Let me just bring my colleagues up to date, or kind of capsulize exactly where we are on this issue. This issue was looked at by the Judiciary Committee. In fact, by a vote of 12 to 5, Senator SIMPSON's position was rejected. The position that he has taken and the position that this amendment would take would be to reverse—let me say that again—reverse a very delicate compromise that was reached in 1986 in the Simpson-Mazzoli bill in regard to open field searches.

Let me go back and review very quickly some of the history behind this. In 1984, the U.S. Supreme Court said that a search warrant was not required for open field searches but in its opinion invited Congress to look at the issue and to take action in this regard.

In 1986, some 2 years later, when we looked at this whole issue of illegal immigration, Congress did speak, and it was an integral part of that compromise. A very delicate compromise was worked out when I was in the House of Representatives. Senator SIMPSON was the leader here in the Senate. That compromise provided that, for an open field search, a search warrant would, in fact, be required. So, if we accept the Simpson amendment, it really is a rejection of a compromise that was made in 1986.

The bill, Mr. President, as it currently stands on the Senate floor with the vote by the Judiciary Committee—a 12 to 5 vote to reject the Simpson position on open field searches—the current bill is the status quo. The current

bill is where the law is today. I want to emphasize that.

Let me talk a little bit about the merits of this issue. The current law is that the INS has to get permission to conduct a search in an open field involving agricultural workers. That is the same situation that exists today if the INS wants to go into a restaurant or wants to go into some other building and conduct a search. If they want to conduct a search, under current law, they can get permission, which oftentimes is granted; but if they cannot get permission, then current law treats all employers and all employees equally in this regard. The INS has to go in and get a search warrant, if they do not get permission. That is true whether they are dealing with a building or whether they are dealing with work that is taking place on a farm or a ranch.

To change this, as the Simpson amendment would do—first of all, there is no compelling reason to do it. In fact, there is no reason to do it at all.

In fact, there is no reason to do it at all, if you ask the INS. They are the ones enforcing it. They are the ones who have the duty imposed by Congress to get the search warrant.

What the INS says is we do not need to change the law. They are not here asking for the change. We do not need the change in the law is what the INS says. They are the ones who in a sense we have been restricting.

Second, a change in the law, which adoption of the Simpson amendment would be, puts a burden on farmers, and, yes, on ranchers. I do not have to remind anyone in this body who has a farmer or a rancher in their State—and that includes every State I guess—how time sensitive the harvest of any crop is.

I experienced this in my home county. My family ran a seed business for many years. And when it came time to harvest the wheat, they harvested the wheat. You had a fine window in there to get it done. If you did not do it at the time to do it, you might lose the crop. It might rain; you might have problems. The same is true for any perishable crop—tremendous disruption of going in and conducting these searches without a search warrant. That is one of the compelling reasons that this was such an important part of the compromise that was reached in 1986 in the Simpson-Mazzoli bill.

In addition to the burden that this amendment would place on employers, equally important, and maybe even more important, is the burden it is going to place on employees.

Open fields. Let us think of the real world. Let us think of the real world. INS would drive by and look at this open field. Where are they going to go? It is not unreasonable to think that there is certainly a distinct possibility, however well intentioned people who work at INS are, that they are going to go where they see people look a little different than the vast majority of Americans, or at least the vast majority of people in most parts of the country, that they are going to go where maybe someone's skin is a little browner. They are going to go where they have some suspicions.

I think that is wrong. I think they should be held to the same standard they have been held to for the last decade under the Simpson-Mazzoli compromise, and that is they have to get a search warrant. It is not too burdensome.

Again, I think it is important that all employers be treated equally and all employees be treated equally. The situation has to be dealt with in the same sense, and that is true of the status quo, and that will be changed if the Simpson amendment today is adopted.

What was the background of this? What led to people looking at this and saying, ''Hey, there is a problem.'' It is my understanding that before the 1986 act was passed, 15 percent of the illegal immigration problem in the work force was in agriculture and yet 75 percent of all searches, all the raids occurred in agriculture. That is no coincidence. They went where it was easier. They went where they could see into the open fields. I would submit they sometimes may have gone where somebody's skin was brown or somebody looked a little different, looking at that as a good prospect. I think it is wrong to change that law.

We are going to hear the argument in the Chamber that the only law enforcement agency that is required to have a search warrant in an open field situation is the INS. Yes, that is technically true. To state that is to state the obvious, but it is also looking at it from a very simplistic point of view. Those of us who have been involved in law enforcement know that searches by law enforcement agencies that are looking at what we consider to be crimes historically—rape, murder, theft—they are not just going and looking at fields and walking into those fields because they see who is working there. That just is not the way it works. There is a normal progression of the research that has to be done, the evidence that has to be presented, even if the plain view doctrine to go onto a field does in fact apply, which I think it does. That is frankly the argument that proponents might make, comparing apples and oranges—just a totally different situation.

Senator HATCH received a letter on March 13, and this letter is signed by a number of groups in this country that oppose the Simpson position. Let me read the names of these groups and then let me take a brief excerpt from the letter itself.

Groups that oppose this amendment include the American Farm Bureau Federation, Agricultural Affiliates, American Association of Nurserymen, American Sheep Industry Association, California Farm Bureau Federation, Florida Strawberry Growers Association, Florida Fruit and Vegetable Association, Illinois Specialty Growers Association, Michigan Farm Bureau, National Cattlemen's Beef Association, National Council of Farmer Cooperatives, Northern Christmas Trees and Nursery, Northwest Horticultural Council, Society of American Florists, Sun-Maid Growers of California, Texas Produce Association, United Fresh Fruit and Vegetable Association, Ventura County Agricultural Association, Virginia State Horticultural Society, Wasco County Fruit Produce League, Washington Growers Clearinghouse, Western Growers Association, Wisconsin Christmas Tree Producers' Association, and Wisconsin Nursery Association.

Let me point out that this letter, dated March 13, obviously did not have to do with this specific amendment. What it did have to do with is the same identical subject. Let me quote from this letter. This letter was signed by the groups that I just read. This is paragraph 2.

> S. 269 also proposes to repeal the open agricultural field search warrant requirement enacted as part of the Immigration Reform and Control Act of 1986. This provision requires Immigration and Naturalization Service to obtain the permission of the property owner prior to entering the property searching for illegal aliens, or to obtain a search warrant. This is the same procedure required of INS searching for illegal aliens in any other workplace, such as factories, restaurants, and retail establishments enclosed by buildings or other structures. This provision of current law affords growers the same protections from warrantless searches and unreasonable disruption of business activity enjoyed by any other businesses with walls and doors.

The fourth paragraph reads in part as follows, again the same letter signed by the same groups:

> Prior to enactment of the open agricultural field search warrant requirement, INS was accused in several instances of unlawful detention of America's citizens and legal permanent resident aliens, damage to crops and property, violations of property rights, and injuries to agricultural workers fleeing INS searches. We believe the requirement that INS obtain either property owner permission or a search warrant prior to conducting a search for illegal aliens has fostered cooperation between INS and growers, and has reduced property damage, crop losses and farmworker injuries.

Again I would point out in light of this statement that I just read, that is INS' position in the sense that they are not asking for a change in the law.

Let me also cite, if I could, Mr. President, a letter from the American Farm Bureau Federation—actually not a letter but a statement that was put out. I have no date on this but it was within the last month. Let me just read a portion of this:

> Farm Bureau has been very active in lobbying Capitol Hill to seek retention of the open-field search warrant provision enacted as part of the 1986 Immigration Reform bill. The provision of S. 269 repealing the open-field search warrant requirement has received no examination in public hearings, despite the fact that it reverses policy adopted by clear majorities of both Houses of Congress during the 1986 reform debate.

Continuing the quote now:

Congress enacted the so-called open-field search warrant requirement as a part of the 1986 immigration reform bill in response to concerns among the agriculture community that farmers were treated differently by Immigration and Naturalization Service as a result of the nature of their business; that it is conducted outdoors rather than indoors and it thus had been more vulnerable to abusive searches.

That is a partial quote from the letter.

Let me also point out what the INS can do today, again under the current status of the law, again under the 1986 compromise, the Simpson–Mazzoli compromise.

They can go in property in hot pursuit. They can do that today. We do not need to change the law today to do that. They can do that hot pursuit. Further, they do not need a search warrant if the land is located within 25 miles of the border. So, again, two of the problems, or what you might think would be serious problems, have been dealt with and were dealt with in 1986.

Finally, of course, to again restate the obvious, if permission is granted, consent is given, they can go on right now.

So let me state I think this is an important issue. The Simpson amendment changes the status quo. I see my friend is on the floor and may at this point or later want to respond. But I think the status quo is correct. The Judiciary Committee voted by a 12-to-5 vote to keep the status quo. The INS does not see a reason to change the law, and therefore I ask my colleagues to vote against the Simpson amendment.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD], is recognized.

Mr. FEINGOLD. Mr. President, I rise today in opposition to the legislation before us. Before I do, let me just say a word or two about the comments about the minimum wage. I am pleased that that issue is being discussed at this time. I am pleased to see the reemergence of some bipartisan support for an increase in the minimum wage. I think the time is now. Whether it be on this piece of legislation with a limited time agreement or some other piece of legislation in the near future, I think it is something we ought to take up now rather than wait until later. It is at least of as great importance as the matter before us today.

But I do rise in opposition to this bill. I fear this legislation not only embraces the wrong approach to curbing illegal immigration, but I think it contradicts past efforts to reform the Federal regulatory framework and to prevent the Congress from passing unfunded Federal mandates that will needlessly burden employers and local governments alike.

In 1994, we witnessed a very emotional and pointed debate in California over a ballot issue that we have all come to know and describe as proposition 187. That debate, which evolved into a rhetorical backlash against both legal and illegal immigrants, clearly demonstrated that the issue of immigration has the very strong potential to further divide and alienate those in our communities who are now faced, even more than at any time in the past, with the daily anxieties of economic insecurity and social instability.

During the extensive consideration of this legislation in the Senate Judiciary Committee, I did oppose certain efforts to curtail legal immigration, whether it was an effort to prevent families from reuniting with loved ones or an effort to place additional hurdles before persons who are fleeing persecution in their home countries and have a legitimate right to ask for asylum. As I indicated then, my strong support for preserving ample levels of legal immigration does not compromise in any way my feeling, and the feeling I think of every Member of this body, that we do need to take bold and aggressive steps to curtail illegal immigration.

I do believe there are reforms that are responsible and reasonable, and that we should make every effort to pursue on this bill. For example, the bill authorizes the hiring of over 4,500 new Border Patrol agents over the course of the next 5 years. This massive increase in personnel will nearly double the existing number of Border Patrol agents under the jurisdiction of the INS.

I was also, therefore, pleased that an amendment I offered in committee was adopted by the committee, which provides that these many new personnel will be hired and adequately trained, pursuant to appropriate standards of law enforcement.

I am also strongly supportive of provisions in S. 269, offered by Senator KENNEDY, to enhance the penalties for virtually all forms of alien smuggling and document fraud, as well as related offenses.

Additionally, these provisions provide stiff penalties for those individuals who operate sweatshops which force people, many in this country illegally, to work in often inhumane conditions for minimal compensation. Like these new enforcement personnel and alien smuggling penalties, it is critical that any measure we consider to curtail illegal immigration be targeted against those who are actually breaking our laws.

Nothing stands in more stark contrast to this sort of targeted approach than what I believe to be the single most troubling component of this legislation and that is the creation of a new, costly and massive worker verification demonstration project which is intended by the proponents, I believe, to lead to a nationwide verification system within a few years.

The worker verification proposal contained in this legislation, and the worker verification concept itself, is not a targeted approach to confronting the problem of illegal immigration. Instead, it is an approach which seeks to deputize thousands of business owners and farmers and other entrepreneurs, and virtually turn our Nation's workplaces into some kind of internal border patrol, mini-INS's, if you will. These employers are then charged with the responsibility of navigating a complex new electronic verification system in an effort to root illegal immigrants out from a massive American work force.

I find it shortsighted and untenable to suggest that we cannot combat illegal immigration without requiring every person in America to have his or her identity checked by a Federal data base each time each person in this country applies for a job or for Government assistance. Despite good-faith efforts by the proponents of this provision to try to build in adequate privacy protections, the fact remains that every time an American applies for a job he or she will be stepping into a civil liberties minefield, if this system develops as I am concerned the authors intend.

Who in our society will be required to have their identities verified? Potentially everyone. It could be the 40-year-old father of four, applying for an executive position with a Fortune 500 company. It could be a 20-year-old college student applying for student aid. If I am reading this bill correctly, even a 12-year-old paper boy could have to have his identity verified by a Washington official before he could be hired to deliver newspapers. That, I am afraid, is the practical effect of a national worker verification system. It is light-years away from a targeted approach. And it is based on the proposition that it is perfectly appropriate to have ID checks potentially required from 98 percent of our population, that which consists of U.S. citizens and legal immigrants, in order to root out the 2 percent of our population that is here illegally.

During judiciary hearing consideration of this bill, the junior Senator from Michigan and I offered a bipartisan amendment to strike the worker verification concept from this legislation and replace it with stronger enforcement and penalties for those who break the law by overstaying their legal visas. Although the committee accepted these new provisions relating to visa overstayers, our amendment to strike worker verification proposals lost on a tie 9 to 9 vote.

The original nationwide system was later replaced by the so-called demonstration projects. But make no mistake, Mr. President, the fundamental flaws contained in the original proposal remain. Only now we will go through a somewhat longer process before it is actually imposed nationwide on all Americans.

Senator ABRAHAM and I will offer an amendment later on during this debate to strike those demonstration projects and programs and will speak more on this at another time. But it is strangely ironic, Mr. President, that some of the same Senators who stood here on the Senate floor a year ago and cried

out for meaningful regulatory reform legislation now are some of the strongest advocates for a massive national worker verification system and that somehow that is an appropriate solution for our illegal immigration problems.

Another provision of this legislation that is troubling to me relates to birth certificates and driver's licenses. The bill currently requires all Government agencies to begin issuing uniform Federal birth certificates based on standards developed here in Washington, DC. Moreover, no Government agency may accept for official purposes a birth certificate or driver's license that does not meet the Federal guidelines established in this and presumably future legislation.

Originally, this provision required agencies to collect fingerprints or other biometric data. The Department of Justice referred to these fingerprinted birth certificates as ''de facto national identification documents.''

Thankfully, we were able to delete the fingerprinting requirement in the Judiciary Committee, but I think it demonstrates the steps that some are willing to take in this area. I do not believe for 1 minute that we have seen the last of this fingerprinting idea. Even without the fingerprints, I think this provision is still distressing. For example, the bill language requires every State department of motor vehicles to begin issuing driver's licenses with safety features as prescribed by a Federal regulatory agency. This language also states that anyone applying for a driver's license must present certain information as designated by the National Department of Transportation to establish their identity.

So, if the Department of Transportation elects to promulgate a regulation next year requiring every State department of motor vehicles to begin collecting fingerprints, it would be legal under this legislation. So we see the fingerprints very easily coming back in, despite our efforts in the committee, through another route. Moreover, this section seems to ignore one of the 104th Congress' few bipartisan successes so far, the enactment of legislation to stop the Federal Government from passing unfunded mandates on to local and State government agencies.

I think the Chair and I both know that one of the most consistent themes you hear in our home States is that they did not want new unfunded mandates.

I recently received a letter from the Wisconsin Department of Transportation outlining their very justifiable concerns with these birth certificate and driver's license provisions. They are concerned, of course, with the cost that they will incur as a result of this new Federal mandate. The Wisconsin Department of Transportation has estimated these provisions could cost my State alone up to $3 million to comply with requirements relating to a specific Federal format for these documents and antifraud security features, not to mention Federal verification of all birth certificates and driver's licenses.

This letter states that the Wisconsin Department of Transportation ''views this bill as yet another unfunded Federal mandate. The costs associated with it are substantial.''

The letter also points out that this State agency has had its operating budget reduced by 6 percent by the Wisconsin State legislature and Governor and would have no means, Mr. President, no way by which to pick up these additional costs that this new Federal mandate would impose.

Mr. President, that is why I and the Senator from Ohio, Senator DEWINE, and others view this provision as completely contrary to the letter and the spirit of the unfunded mandates legislation passed by this body just over a year ago and signed into law by President Clinton.

There is not a word in this bill, Mr. President, about how the local and State agencies are to pay for this costly new procedure of issuing uniform Federal birth certificates and driver's licenses, even though it is plainly obvious that such a process is going to be an enormous financial burden on such entities.

Mr. President, let me also take this opportunity to express my concerns about provisions in the legal immigration bill that are likely to surface in the near future. Although the Judiciary Committee, on a strong vote, split the two bills, split the legal and illegal immigration bills, there may well be another attempt to put these provisions back in this bill. I hope not, because these are very different issues.

In committee, Mr. President, I was a cosponsor of the Kennedy-Abraham amendment to restore adequate levels of family immigration because I consider it to be essential to allow U.S. citizens to reunite with their children, their parents, and other loved ones who may be residing in other countries.

There may be some abuse of our current family immigration system, but that does not mean we should completely prohibit a U.S. citizen from reuniting with their 22-year-old daughter, their 66-year-old parent, or their 15-year-old brother. Those were in fact the so-called reforms that were included in the original Simpson legislation and later expunged from the bill during committee markup.

Considering the House voted decisively to remove all cutbacks of legal immigration from their bill, it is my hope that we have seen the last of efforts to further restrict family immigration.

Mr. President, I also have serious concerns with the provisions in the legal immigration bill relating to persons seeking asylum in this country.

Originally the bill required anyone seeking asylum to do so within 30 days of entering the United States or their claims would be invalid. I joined the junior Senator from Ohio and others in fighting this 30-day time limit because it was harsh, it was arbitrary, and would have likely had disastrous consequences for thousands of persons who have, in most cases, fled their homelands to escape persecution, torture or worse for expressing thoughts and opinions counter to those held by those governments in other lands.

We have had, no doubt, serious problems and abuses with our past asylum process. Previously, a large number of nonmeritorious claims were filed in an effort to obtain certain benefits that asylum claimants are entitled to, such as automatic work authorization. This practice did result in a mammoth backlog of pending applications that have prevented or delayed some very legitimate claims from being processed in a timely fashion.

Unfortunately, though, Mr. President, lost in all the hyperbole about this problem is the fact that the Clinton administration has made tremendous progress in clamping down on asylum fraud and abuse. As a result of these new administration reforms, in the past year alone, new asylum claims have been cut in half, and INS has more than doubled their productivity in terms of processing pending claims.

Mr. President, these promising reforms by the Clinton administration are in their infancy, and we should not mandate such a harsh and arbitrary deadline that is likely to not only be disastrous for legitimate asylum seekers, but also completely unnecessary. During committee markup, an amendment was adopted that extended the 30-day deadline to 1 year and also provided an exception to this time limit if the applicant had good cause to wait for more than 1 year. I found this acceptable because it provided legitimate asylum seekers a waiver if they had justifiable reasons for waiting beyond the 1-year period.

Unfortunately, the committee report language is more restrictive with respect to this waiver process than I had anticipated and hoped.

Mr. President, America has a proud history of representing a safe haven for those who believe in democracy and who have been tormented for embracing particular political and religious viewpoints. We should continue to do so. I intend to work with the Senator from Ohio, Senator DEWINE, and others in restoring and guaranteeing a fair and suitable waiver process.

Mr. President, as we debate this issue over the next few days, we must be mindful of the inherent dangers that this immigration issue encompasses. We find ourselves today in the heart of an election year. History has shown that it is not uncommon for politicians, not only here, but in many countries, to use the issue of immigration to further divide people, in this country to divide Americans along racial, ethnic, and cultural lines.

Playing to the fears of the American people on this issue may only provide further ammunition to those who seek to exploit those fears and coax the American people into believing that immigrants come to the United States only to commit crimes, to collect welfare benefits, and to steal jobs away from working Americans. That is an injustice, not only to the immigrants who currently reside in the United States, but an injustice as well to the historical legacy of immigrants who came here with purpose and promise and, as we must acknowledge, built this great Nation.

Let me say this at this point. I do not doubt for a minute the intentions of the Senator from Wyoming in this regard. In many ways he has been a very important source of not only expertise but moderation and thoughtfulness on this issue. I believe he has made a good-faith effort to reform a system that is clearly in need of some repair. I do regret that I have some fundamental disagreements with respect to how we should address those flaws in the current immigration system.

I look forward to working with other Senators in attempts to improve this legislation and passing reforms that truly differentiate between those who play by the rules and those who choose to break them.

Mr. SIMON. Mr. President, I want to join, first of all, in the comments that Senator FEINGOLD made about Senator SIMPSON.

Our title here is ''United States,'' not Senator from Wyoming, Senator from Colorado, Senator from Illinois, Senator from California or Wisconsin. ALAN SIMPSON has served the people of Wyoming well. But he has also been a U.S. Senator who has looked at the broad scope of things and has been a real legislator and has contributed immensely.

I will differ with him on this particular amendment. Let me add, I will differ with my friend from Wisconsin, Senator FEINGOLD, with whom I rarely differ, on this matter of pilot verification that he was just talking about.

Senator SIMPSON has reminded us over and over again on the floor that we have to stop the magnet that is the economic pull to people to come into this country illegally. So we passed, a few years ago, employer sanctions. It was a matter of controversy. I ended up being a minority on this side, joining the Senator from Wyoming and voting for that.

Employer sanctions have not worked as well as we had hoped. I think the key is verification. Unless we are willing to try a pilot verification program, and here is where I differ with my friend from Wisconsin, I do not think you will have any meaningful way of stopping a steady flow of people who come up here for economic reasons. To say we are going to just have a slight tap on the wrist to employers and tell people who are desperate, ''We are going to be tougher on you if you come up here and try to work,'' they will still come up here and try to work.

I point out one other reason on the verification, and that is the GAO report that says there is discrimination. If you appear to be Hispanic or Polish or Asian, and particularly if you speak with a bit of an accent, it is inevitable, unless we have some system of verification, that there is going to be discrimination. I think it is important, and I think we will have a close vote on this, but I think it is important that we have a pilot verification program.

The question on this immediate amendment is, is it worthwhile to give up some basic liberties in order to have this amendment, and are we going to accomplish that much? I think we will not accomplish very, very much at all in terms of discouraging the employment of illegal workers here. I think it is one more step in taking away basic civil liberties.

The reason this passed originally, we had a lot of problems with people who would be driving down the highway, and all of a sudden they look at a field and it looks like there are a bunch of ''foreign-looking workers there.'' They stop, go out, and make a raid.

We have a tradition in our country with the fourth amendment you have to go into court in order to have a search. We ought to abide by that. Now, the argument is made, well, you can have that search. You can go into court. How many farmers are going to go into court? It just is not going to happen. It makes it very costly.

Second, whenever you give people in any field arbitrary power, whether it is law enforcement or anything else, there is an invitation to corruption. I think we have to recognize that. This can be a shakedown kind of thing.

My staff has given me two examples of the kind of abuses that take place when you do not go in to court. As far as I know, and the Senator from Wyoming can correct me, as far as I know, there have been no denials for any Immigration Service requests to have a search of the field by the courts. Maybe they have existed—I do not know. In Pasco, WA, INS agents entered a field for 29 straight days searching for undocumented workers. On some occasions the agents drove their trucks across the bean fields, causing substantial damage to the bean crop. The latter part of that is not that significant, but if you want to go 29 straight days to search somebody's field, you ought to go into court 29 straight days to get a court OK for doing that.

In Othello, WA, INS agents entered a farm four times in 1 month looking for undocumented workers. Their last three trips were without a warrant, and they found no undocumented workers. They arrested two workers who were Japanese, but it turned out they were exchange students who had a lawful right to be in this country.

Finally, Mr. President, I have been here, now, 22 years in the House and the Senate. We always find some excuse for giving up basic civil liberties. I think we ought to be very, very careful on this. If there is an overwhelming reason to have an infringement on the fourth amendment that is kind of gray, maybe we should consider it. It ought to be an overwhelming reason. This is not an overwhelming reason to violate that basic constitutional protection.

My hope is the amendment will be defeated. My vote, with all due respect to my friend from Wyoming, will be in opposition to his amendment.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Chair. Mr. President, I join with those in thanking the distinguished chairman of the Immigration Subcommittee of the Judiciary Committee, the Senator from Wyoming, for what is extraordinarily thankless on a subject that perhaps has more controversy than almost any other I have seen since I have been in the U.S. Senate.

I will give my views on the bill that is now before us, the Immigration and Nationality Act of 1996. I come, obviously, along with my colleague, Senator BOXER, from the State most heavily impacted by illegal immigration in the Nation. The presentation of the Immigration and Naturalization Service to the Judiciary Committee showed that California is on a tier all by itself. The estimates on numbers vary, but they go anywhere from 1.6 million to 2 million, 3 million, and even 4 million people in our State illegally, depending upon whom one chooses to believe. Most authorities agree that the right number is in the vicinity of 2 million people in California illegally right now.

One concern is overriding—that illegal immigration is a serious problem. Additionally, it is the responsibility of the Federal Government, not the States, to prevent it. Californians went to the ballot and overwhelmingly approved the most stringent of propositions, proposition 187.

One part of proposition 187 provided that if a youngster is in this country illegally, he or she could not go to a public school. A teacher would have to act as an INS agent and ferret out that youngster and remove him or her from school. Even more strongly, the people said that if the parents are here illegally, that youngster would still be denied the right to a basic elementary school education.

The people of California overwhelmingly approved it. I believe one of the reasons they did was out of frustration, because the Federal Government has not responded to what is an increasing and growing problem.

The bill before us today tackles illegal immigration at the border, mainly by adding strength to our Border Patrol and border facilities. In the past 3 years, the administration and the Congress, both Houses and both parties, have come together, recognizing the

need and beginning to improve border infrastructure, such as lights and infrared-seeing devices, and manpower. And the Border Patrol has, for 3 years in a row, had additions of about 700 agents a year.

This legislation would add an additional 700 Border Patrol agents in the current fiscal year, and 1,000 more for the next 4 years, bringing the total number of agents to 4,700 by the year 1999. That is more than double the entire force that was in place when I came to the U.S. Senate 3 years ago. It would establish a 2-year pilot program for interior repatriation. The reason for that is, people come across, they are picked up, they are held for an hour, they are sent back right across the border to Tijuana. Three hours later, they try again, the same thing happens, and they try again and again. The pilot project would try to determine whether people who are repatriated into the interior of the country are less inclined or less able to cross that border again illegally than those not repatriated to the interior of the country.

The bill would add 300 full-time INS investigators for the next 3 fiscal years to enforce laws against alien smuggling, something that, today in America, is a $3 billion industry.

As a matter of fact, last week, the Justice Department made 23 arrests in California, which showed that organized gangs from New York to California were all participating in the alien smuggling of illegals from China to the United States in boats, transferring them to fishing boats, landing them, providing drop houses, and moving them back to New York.

The bill would add alien smuggling and document fraud offenses to the list of predicate acts under our Nation's racketeering laws, something many Federal prosecutors have told me is extremely important.

The bill would increase the maximum penalty for involuntary servitude to discourage cases like the one we saw recently, where scores of illegal workers from Thailand were smuggled into our country, then put in an apartment building with a fence around it and forced to work in subhuman conditions against their will in southern California.

This bill would strengthen staffing and infrastructure at the border, and it would provide for facilities for incarcerating illegal aliens. It would require all land border crossings to be fully staffed to facilitate legal crossing.

I can tell you that in San Diego, CA, at the border crossing gates, there are hours of waiting. There are 24 crossing gates at this one station. Only one-half of them are manned. Consequently, people engaged in legal, normal commerce sit at that gate and wait, sometimes for many hours, backed up in traffic.

This bill would increase space at Federal detention facilities to at least 9,000 beds. That is a 66-percent increase in detention capacity for the incarceration of criminal aliens. I can tell you, Mr. President, out of 120,000 inmates in the California Department of Corrections, between 15,000 and 20,000 of them are illegal immigrants, serving felony time in California. The cost to the State is literally hundreds of millions of dollars a year.

The bill would create a demonstration project in Anaheim, CA, to use INS personnel to identify illegal immigrants in prison, so that they can be more rapidly deported.

Historically, the way Congress has handled illegal immigration is through what are called employer sanctions. I think the intent—although I was not here, and the Senator from Wyoming knows far better than I—was that the reason most illegals—and I say ''most''—come here illegally is because of the lure of jobs. That is the magnet. Therefore, if you remove this magnet and prevent people from working illegally, you will deter illegal immigration.

In order to work, though, employer sanctions need an accurate method of verifying whether an applicant for a job is legally entitled to work. Up to this point, relying primarily on employer sanctions, the basis on which all illegal immigration is handled in the United States, has been a colossal failure. The reason for the failure is that employers have no reliable way to determine if a prospective employee is legally entitled to work.

Let me explain why. Presently, if an employer is interviewing someone for a job, he or she might say, ''Can you show me that you are legally entitled to work?'' They can present to the employer 29 different documents, under present law. Under present law, no prospective employer can say, ''May I see your green card?'' That is a violation of law. So they must take one, two, three or four of the 29 different methods of identification offered.

If somebody came in to me and I said, ''Do you have an identification to show that you are a resident of California?'' They would say, ''Oh, yes,'' and hold up this card. I would see that it is a California identification card, and its address is Interlock, CA, and it has a State seal on it. It is encased in plastic, and it looks very legal to me. Wrong. This very card is a forgery. Or they might hand me a Social Security card, and I would look at it and see all the traditional signs. The paper looks right, the color looks right. There is a number on it and a signature, just like on my own Social Security card. Could I trust it? No. This is a forgery.

The fact of the matter is that on the streets of Los Angeles, CA, you can buy both of these cards for under $50, and you can get them in 20 minutes, and they can have your photograph printed on them. You can purchase documents there anywhere from——

Mr. SIMPSON. Mr. President, I object to this procedure. This is totally out of order.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator has a right to—

Mr. SIMPSON. It is a crude exercise, a truly crude exercise.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report.

Mr. SIMPSON. What is the status of the present situation?

The PRESIDING OFFICER. A cloture motion has been sent to the desk.

The clerk will report.

Mr. SIMPSON. What is the correct procedure? Is that motion appropriate in the midst of a singular address, at the time of an opening statement with regard to a piece of legislation?

The PRESIDING OFFICER. Allow the Chair to consult with the Parliamentarian.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor.

The clerk will report.

Mrs. FEINSTEIN. I believe I had the floor, Mr. President.

Mr. SIMPSON. Mr. President, the Senator from California has the floor.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dorgan amendment No. 3667 regarding Social Security:

Byron L. Dorgan, Max Baucus, Daniel P. Moynihan, Barbara A. Mikulski, Tom Daschle, J.J. Exon, Joe Biden, Paul Simon, Joe Lieberman, John F. Kerry, Paul Sarbanes, Fritz Hollings, D.K. Inouye, Wendell Ford, Claiborne Pell, John Glenn, Russell D. Feingold.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, before I was interrupted, the point I was trying to make is that no matter how well intended an employer is, it is extraordinarily difficult to tell the difference between real documents and counterfeit documents, and that is what enables illegal immigrants to obtain welfare. They are ineligible for cash welfare programs under Federal law now. However, if they have false documents, they can obtain the very things that they are prohibited from obtaining—whether it is Social Security, whether it is SSI, or whether it is AFDC.

An entire industry of counterfeit documents has grown up in California. The most frequently counterfeited document is a birth certificate. You can pay anything from $25 for a Social Security card to $1,000 or more for a passport, as well as personal identification documents.

These documents are so authentic-looking that employers cannot tell the difference. In fact, it is estimated that tens of thousands of illegal immigrants today receive welfare benefits in California by using counterfeit documents.

This bill makes a major effort to reduce this problem. It reduces the number of acceptable employment verification documents from the current 29 to 6 so that employers are better able to determine which documents are valid. Employers will only have to review 6, not 29.

Also, the bill doubles the maximum penalties against employers who knowingly hire illegal aliens, increasing them from $2,000 to $4,000 for a first offense with graduated penalties for subsequent offenses. Therefore, the bill adds substantial teeth to the employer-sanction laws. It establishes a pilot program to test the verification system under so that employers can readily and accurately determine an applicant's eligibility to work.

The system could also be used to determine an applicant's eligibility for public benefits, therefore, avoiding welfare fraud. It also attacks the serious problem of document fraud by setting Federal standards for making key identification documents, birth certificates, and drivers' licenses tamperproof and counterfeit resistant. The result is that the most counterfeited document, a birth certificate, would be counterfeitproof, as would drivers' licenses.

The bill before us would increase the criminal penalties for document fraud, including raising the maximum fine for fraudulent use of the Government's seal to $500,000, and increasing the fine for lying on immigration documents to $250,000 and 5 years in prison. The bill also denies the earned-income tax credit to persons here illegally.

You might say, is this a strong, tough bill? I would have to say, yes. It is a strong, tough bill. Former Congresswoman Barbara Jordan and the immigration commission which she chaired said this eloquently. ''We are a Nation of laws.'' We are also a Nation that has the most liberal immigration quotas in the world today. No country absorbs more foreign-born people than does the United States of America in the course of a year.

So there is more opportunity for an individual to come to the United States than virtually any other place on Earth. Therefore, because we are a Nation of laws and because we have a liberal immigration system, it is not unjust, unfair, or unwise to require that we follow our laws and make sure that we enforce the prohibition against illegal entry into our country.

The largest source of illegal immigration, next to visa overstays, comes from people who slip across our borders. That is what this bill addresses. The bill also addresses visa overstays. As many as 700,000 people a year overstay their visas. This bill would require that immigrants who overstay their visas either be deported or be denied future visas. So there is some visa enforcement in this legislation.

The need for the legislation has been and will be explained at length over the course of this debate. From the point of view of my State, the problem of illegal immigration is severe. Forty-five percent of the Nation's illegal immigrants now reside in California. That is between 1.6 million and 2.3 million, as I mentioned earlier. Fifteen percent of illegal aliens are in our State prisons. Forty-five percent, or 150,000, of all pending asylum applications come from people in California, and 35 percent, or 40,000, of the 113,000 refugees entering the U.S. claimed residency in California in 1993.

Our county governments are being forced to absorb more and more of the costs of medical care, social services, and incarceration for illegal immigrants, and those costs are going up—not down. In the 1996–1997 fiscal year, California will spend $454 million in incarceration costs for criminal aliens.

So it is fair to say that the State most affected by this bill is the State of California. This U.S. Senator strongly supports this legislation. The need is very clear.

Mr. President, at a later time, I would like to complete this statement, and also at the appropriate time to present a series of amendments that deal with certain unresolved issues.

I have some major concerns about the triple fence in the bill, about the fact that cases brought under the bill be tried in Federal court rather than in State court, and that the deportation documents be written in Spanish as well as in English. I hope I can offer these amendments at a later time.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my colleagues for their patience in the procedure intervening there. Without question, I see why you are all gathered at the desk for some reason. Yes. Is there something sinister going on?

Nevertheless, we have a cloture petition which was quite surreptitiously slid to the desk, which was remarkable to watch. I have never seen that in 18 years of my presence here. I have found in my time here that those who remain obsessed about certain aspects of legislation almost always find that that obsessive behavior is often visited subsequently on the perpetrator.

That is not my idea. That is just the way that works. It is always a more genial approach. I visited with Senator DORGAN this morning, told him exactly what the lay of the land was and why. I did not receive that same courtesy.

Enough of that. We can debate that at any time in the future. It seems to me the present status of the issue is with regard to this amendment on the current ban on open-field searches. That is the amendment at hand. I would just add one dimension to that, and then I think we are ready to go to a rollcall vote on that, unless there is further debate. I ask any of those who wish to further debate this issue to present themselves.

Senator SIMON asked a valid question, and I cannot tell you how much I have enjoyed working with that gentleman through the years. We met when we were State legislators in 1971. We kept close ties and worked together here in a very steady, bipartisan fashion.

He asked a question. He wondered if there were denials when INS agents sought warrants to search open fields and inquired if I knew of any.

I do not know of any denials either, but I do know this, that the requiring of agents to prepare an affidavit, find a judge, and get a search warrant has resulted in a great reduction in immigration enforcement in agriculture. That I do know. In fact, it has practically eliminated employer sanctions enforcement in agriculture. Of course, that was the purpose of it. As I say, it was a rather unholy alliance at the time, still perhaps defined as that, when you have the ACLU joining with the agricultural growers, who I found to be absolutely insatitable with regard to everything I ever proposed. It is estimated now that 40 percent or more of the field workers in west coast agriculture are illegal.

Some of my colleagues in the debate have pointed out that although probable cause requires more than mere appearance, immigration officers will search on that basis anyway. I would say, in response to that argument, if immigration officers would be willing to ignore the legal requirements for warrantless searches, why do my colleagues believe that these officers follow the current requirements for a warrant? I believe that we should assume that immigration officers, like other law enforcement officers, generally follow the law. Of course, there are exceptions. We should try to minimize the number of such exceptions by vigorous oversight of INS and disciplinary action against the INS officers who do violate the law.

Mr. President, I remind my colleagues the reason the present ban was added to the law in 1986 was that there was no constitutional right at all of the type that my friend from Illinois, Senator SIMON, had described. That is why only—only—INS officers are required to have a warrant to enter and to search open agricultural fields even when they have probable cause to believe that unlawful activity is taking place, which is the present constitutional standard and the one applied to law enforcement officials in every other Federal or State agency.

Why—and this is the purpose of my amendment—should only the INS officers need a warrant? Of all Federal law enforcement personnel, why should the INS alone and their officers need a warrant even when they have probable cause, and only for agricultural fields? It makes no sense.

That is a phrase that has been used in the debate from time to time, that something may make no sense, and in this event I think this is a classic case of that. Why should every single other law enforcement agency of the Federal Government have this power to do warrantless searches except the INS? The reason: to take care of growers who use blatantly so many illegal agricultural workers and say they are dependent upon them, and if they did not have them, they would go broke.

I have heard that argument now for 17 years. In the course of responding to some of the arguments in the opening statements or comments, let me assure my colleagues that all of this effort here is not the creation of Senator ALAN SIMPSON of Wyoming. Every single thing that has been presented to the body has not been possibly more considered, more debated, more crafted—I do not know what it could be—than this issue because we have had it through the years with the Select Commission on Immigration Refugee Policy.

That is where the ideas came from. That was the Commission in 1980. Some say, where do these things come from? Where does this evil spirit come from?

There is no evil spirit. Everything I have been trying to do with regard to legal immigration is a direct result of the work of the Barbara Jordan Commission. I hope that that will be heard. I notice that sometimes detractors of the legislation will say, ''How could it possibly be that we are turning our back?''

''How can it possibly be that we are so treating these people who play by the rules?''

''How can it possibly be that we could turn our back on the Statue of Liberty?''

Ladies and gentlemen, we are not doing that. Does anyone here believe that former Congresswoman Barbara Jordan would be involved in such an effort? That is absurd and bizarre.

When someone says, ''Well, do you realize this is going to apply to everyone?'' the answer is, yes, it will apply to everyone. When we do this final procedure, whether it is this year or in 6 years or in 10 years, and when we have a more secure and verifiable document and when we have a more secure system, whether it is the call system or whether it is documentation or whatever it may be, of course, it will apply to everyone. If it did not, then it would be truly discriminatory.

If it is some document, are we going to ask it only of people who look foreign? Of course not. It is for people who look foreign and bald Anglo-Saxons like me, too. That is how it works. It happens only twice in a lifetime. You use it when you are seeking funds from a State or Federal Government on welfare or public assistance; you present or go through this verification procedure. That is one. The other one is simply at the time of seeking employment. That is two. That is it. There is no third strike and you are out. That is it.

We hear of the great burden placed on American citizens. Ladies and gentlemen, why do you think proposition 187 came about? It came about because of the great burden on the people of California who are tired of that burden. The greatest burden on the people of the United States is people who are gimmicking and using our systems. That is a lot greater gimmick, a lot greater burden than somebody asking when they go to work—and remember you already do that when you go to work. There is a form called the I–9. It is one page. I hear the argument, what will employers think when they have to go through this exercise? I tell you what they will probably think: ''Thank Heaven somebody came to change the law so we wouldn't have to go through 29 documents. Thank Heaven somebody changed the law so that if I ask a person for a different or additional document, I am not charged with discrimination. Thank Heaven they are going to start working out something where I do not need the I–9.'' That is in this bill. That is what we have. All of these so-called reforms that are sometimes rather negatively portrayed, all came from either the Select Commission on Immigration and Refugee Policy, chaired by Ted Hesburgh, or the Commission on Immigration Reform chaired by former Congresswoman Barbara Jordan. They were not ripped from the air to vex American employers, nor were they ripped from the air to turn our back on our heritage of legal immigration. That is not where they came from. They have a fine-founded, deep-rooted source in the realistic work of two very splendid commissions. I hope that will be recalled in the course of the activities.

I call the question on the amendment with regard to open field searches.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this issue, although a fresh one for Congress, is an issue that has been out there and around for a number of years. It was debated on the floor of the U.S. Senate in 1983 and 1986. I will make some brief comments. I know there have been some excellent comments made by Senator SIMON, Senator DEWINE, and others, but I will just very briefly mention my concerns about what this proposal would do and what it would not do.

It is important to point out exactly what the statutory prohibition against open field searches is about. It does not prevent law enforcement authorities from engaging in searches if they observe criminal conduct such as drug activity taking place. So, if they observe criminal conduct, they can move towards the presence in the field in pursuit of the illegal activity which has been observed.

All this does is it simply prevents INS officials from walking onto a field without a warrant and demanding that workers produce immigration documents. If the INS conducts a search, for example, in the front office, they need a warrant. If they conduct a search in the barn, they need a search warrant. In 1986, provisions simply stated if they do it in the fields, they have to get a warrant as well.

The prohibition against warrantless open-field searches ensures that foreign-looking agricultural workers are not subjected to harassment or unfair treatment simply because of the color of their skin. We know now, by and large, those who are working out in the fields are American citizens, ever since we freed ourselves from the bracero program. There are a number of illegals out there as well. It is difficult to estimate the percentage, to be sure. But, by most observations, the great majority of the individuals who are working out in those fields are American citizens. So we are talking about protecting American citizens.

If, as we said, the search is going to be in the front office or out in the barn, there has to be a warrant. Why? Because we are concerned about the rights and liberties of American citizens. The American citizens working out in the field, if there are observations about activities, there is every legitimate reason and authority to pursue those. But, nonetheless, what we have to do is look at what the conditions were prior to 1986. We see the abuses that were rampant in many parts of the country by the INS, just for the very reasons we are outlining our opposition to the amendment which has been identified today.

This is not just an issue of protection for the individuals. It is also an issue of safety. I will not take the time to read into the RECORD about what has happened when there is a sudden INS raid in some of these agricultural areas in the fields, about trucks moving across the open fields, sometimes in the evening time, and the great distress and the panic that anyone would feel when they are confronted with significant numbers of police authority chasing them through the fields in search of various identity cards.

That happened. That was more the case than not during that period of time. Then, in 1986, we insisted on getting a warrant in order to try to address that issue. I find there has been very little, other than general observations, that would justify going back to the law prior to 1986.

The prohibition against the warrantless open-field searches ensures that foreign-looking agricultural workers are not subjected to harassment or unfair treatment simply because of the color of their skin. Those who support the repeal of the statutory ban contend that the fourth amendment provides sufficient protection against the unreasonable searches of agricultural workers. This is simply not the case. Nor is the fact that INS officers, without this provision, would be able to enter open fields with impunity and be able to ask

anyone for identification. The fourth amendment was around prior to 1986, and this is when all these abuses occurred.

The reason for this warrant has been well documented in the abuses that took place prior to 1986. If anyone goes back and reads the record during that period, there is page after page about what was happening out in the fields and the real issues of safety for many American citizens who were working in the fields at that time as a result of these kinds of raids.

Since then, we have had the warrant. I do not believe the case has really been made in the course of the hearings that that has really impeded the effectiveness in trying to deal with the fundamental issues of jobs in the workplace. We are working on that issue. We have provided very important, I think, additional steps, both in trying to reach documents in terms of the antifraud provisions that have been built into this legislation, including the pilot programs that will be initiated to find out what is effective, and in protecting American workers from displacement or as a result of foreign workers. The prohibition against the warrantless open-field searches is working well. It is a necessary safeguard against the abuses of individual rights. We should retain it.

I have a more extensive comment upon that measure, which I will perhaps get into later on, or include it as part of the RECORD.

Mr. President, it is now 2:30, 20 minutes of 3. We have been on this legislation since 10:30 this morning. We have taken a number of the amendments, half a dozen amendments that might have been found to be not germane if we moved toward cloture. I know there are others as well, and those are important, extremely important, measures. I think the Senate should address them at some time on the basis of their merits. But we are in the situation now where we have a cloture motion that has been entered on the Dorgan amendment that will ripen, based upon the Senate schedule, probably an hour after we go into business on Friday or at a time when the majority leader effectively chooses, based upon his ability to move toward this measure.

We are faced, again, with the situation that if we move toward a cloture motion—for example, say, we were able to move it on the underlying amendment—that would have to be done prior to a cloture motion on the bill. Because if we put a cloture motion on the bill, all that we have done today would effectively be discarded. So we would need to have a cloture motion on the underlying amendments in order to have them acceptable, so that we would have them irrelevant. Then you would need a cloture motion, and if that was not taken, or if we did get it, there would still be 30 hours on that proposal and then you would get a cloture motion on the underlying legislation on which there would be some 30 hours.

So we have ourselves now wrapped into a situation in which, I must say, in terms of the overall progress on this legislation, even though we have spent the full day on it, is difficult really to perceive what is being accomplished. Even if we continue to go on to additional amendments that would be offered, we would, by necessity, have to address the Dorgan amendment first. Or there is the possibility of possible disposition of the Dorgan amendment prior to the time that we would move toward other action.

That is really a question and issue up to the majority leader. But I am reminded now as we come to a quarter of 3 in the afternoon, that we are going to be voting cloture on the Dorgan amendment. Even if they get cloture, we would still have some period of time before we would be able to move to these other issues. If we get cloture on the underlying amendment, which has been amended today, there still would be a period of time for Senators to comment on that before we ever got a cloture motion on the bill itself, and all because we have not had the ability to get a limited period of time to vote on the minimum wage, effectively, and Senator DORGAN's as well. We will have spent all of this time, whichever amount of time that we have that is now going to be required for Senate action—and I am prepared on these matters to vote. I would like to speak and address the Senate briefly. But I think, as we see during the course of the day, we have not trespassed on the Senate's time.

Basically, on the earlier amendments, we were making brief comments in support of them. These are measures which we have debated and discussed during the course of our own deliberations. As a matter of fact, this amendment, I think, was rejected in the Judiciary Committee when it was addressed by the members of the committee. So these are not really new issues for many of us on the Judiciary Committee, very important measures for all of the members. But many of us have—all of us, I think, on the committee have—taken positions on it.

So, we are quite prepared to justify those positions, raise some of our concerns, and move forward. But because we are denying at least a 1-hour consideration—we could cut that even further on this legislation—or giving us a time definite on a clear bill on the minimum wage with time allocated, we have effectively spun the wheels of the Senate during the course of the day. We will be coming back to revisit these measures, as well as the underlying measure, as well as the Dorgan amendment because of the cloture motion, in the next several days.

So it gets back to the question whether we are going to do this nicely or not do it nicely. We are quite ready to try to work out a time definite for a vote on the minimum wage and to do it with a short timeframe. I know the Senator from North Dakota is prepared to do that, to move ahead in terms of all the different amendments on this legislation and consider those. I certainly would support that way of proceeding.

But, effectively, all of our interests and all of our rights are being shaved because of the unwillingness of the majority leader, in this case, to give us a chance to vote on this measure. Here we are at a quarter of 3, having thought we were really making progress, and finding ourselves tied up on an issue which is of enormous importance and in which the Senator from Wyoming and the Senator from California and other Members have spent a long time and understand how important it is as an issue for this country.

So we are caught in this particular dilemma. We are caught in the dilemma where we want to see action or resolution on the illegal immigration, but we also feel that we ought to be able to have a short time period set aside to speak to the issues which are of fundamental economic importance to 13 million American families. We think their interests are important, too. We think their interests should at least demand a half hour or an hour of the Senate's time this afternoon. We think their interests should be addressed in a reasonable way or an agreement made that, if not upon this bill, that we will be at least afforded an opportunity to do it as a clean bill so as not to interfere with the ordinary deliberations of the Senate.

We have had brief discussions and comments earlier today about why we did not bring this up before. We have explained about those major issues that we were addressing in the last Congress, the comprehensive health program that would have made about a 40- or 50-cents-an-hour additional benefit to workers. The workers themselves and working families have said they would prefer that measure to just the increase in the minimum wage. After we had disposed of that, unfortunately, the workers themselves were left further behind, and now it gives an additional sense of urgency for the increase in the minimum wage.

A number of us over a year ago began the process of raising this issue in sense-of-the-Senate resolutions, as amendments, or wherever we possibly could. Each and every time, even though a large number of the Members of the Senate supported the Senate addressing this issue—and on the last vote that we had, we had Republican and Democrat Senators alike; a majority, including unanimity among the Democrats and a very strong group of Republicans who indicated that they supported it. Raising the minimum wage is the majority will of the Senate.

We are just asking for the Senate to be able to make a statement, make a judgment. We may be successful; we may not be. But I do believe that we are entitled to a determination of what the will of the Senate is on that particular issue. So, we are caught in this

situation where we effectively are being denied that. But we are still asked to go ahead and consider some of the measures on the immigration bill.

On the one hand, they are saying, look, why are we not just going ahead on the immigration bill and trying to move ahead? And on the other hand, we are asking, at least—we are quite prepared to move ahead on immigration, but at some time, somewhere, somehow, we ought to be permitted to get a time where we can address this question of the minimum wage.

None of us were denied the opportunity to make some progress this morning on some of these measures. But at some time we have to ask ourselves, when and who is going to speak for those Americans and American families that are on the bottom rung of the economic ladder and speak for them to make sure that their economic interests are attended to? We continue every single day—every single day—to read more about corporate profits and corporate salaries. We read about the increasing accumulation of wealth in the top 1 percent, 5 percent. We have come to understand the continued loss of those working families that are on the bottom rung of these matters.

We have seen in the last 20 years a 25-percent increase in productivity and about a 25-percent reduction in terms of purchasing power for workers earning the minimum wage, which is completely incongruous.

What is most troublesome of all, Mr. President, is when we have had this issue that has been before us and where we have had statements, ''Well, we're trying to work out a process to be able to address it,'' we have the majority leader in the House of Representatives coming up today—and it is printed in newspapers all over this country—who says, ''Well, we've got a new way of addressing the economic problems of the needy in our society. What we are going to do is abolish the earned-income tax credit,'' which President Reagan had indicated was the best program to address the problems of poverty in this country—strong support by a Republican President.

We have the statements that were made by Mr. Armey that we are going to phase that down and collect $15 billion in the next 5 years, 5 to 7 years—$15 billion. We know where that is going to be collected from with the elimination of the earned-income tax credit. That is going to come from these same working families that are eligible for the increase in the minimum wage. Then what we will do is we will still keep the minimum wage where it is, but we will develop a massive new subsidy entitlement program that will be run by the Internal Revenue Service that will provide the difference between the $4.25 and the $7 or $8 an hour depending upon how many children the particular worker had, which would be basically a subsidy to these industries—a taxpayer subsidy to the industries. It would cost the taxpayers a great deal more because they would have to provide for the funding and the resources to be able to pay that subsidy, and at the same time instead of letting these families rise out of poverty, which effectively would reduce their ability to draw upon the various safety net programs, because their incomes would move up to be too high. If we raise the minimum wage, on the other hand, they would go out of those safety net programs and thereby be less of a drag on the American taxpayers because they would then no longer be eligible for these programs. So we would save tax revenues there.

That is an important part of this whole proposal. By providing the increase in the minimum wage, we would be cutting some in those safety net programs by moving people above the eligibility thresholds. They would be making more than they had been, so they would not be eligible for support systems. That saves funds and resources that would have to be paid in by American taxpayers.

But, no, our Republican friends say, no, we will leave it at $4.25. We will draw down some $15 billion from these same families. We will put in place a new entitlement program run by the Internal Revenue Service. When I heard that I was so surprised that the leaders of the Republican House who have been spending all of their time castigating the IRS, now believe they can run a complicated program that will pay so much an hour to someone that has one child, so much an hour to someone that has two children, if they are married, so much, so much if they are separated, and follow this monthly, evidently, across the landscape wherever these needy people are going to be—imagine the bureaucracy that will be needed, imagine what the costs will be for that bureaucracy, and what it would mean for these people.

Mr. President, this is a wonderful, wonderful program because as Mr. ARMEY pointed out, they would save $15 billion out of the earned-income tax credit. The value of the increase in the minimum wage is $3.7 billion in one year. For those people that say that this is an inflationary kind of impact, $3.7 billion in 1 year when the total GDP is about $7 trillion, and our budget, $1.65 or $1.7 trillion we are talking about—of course it is not inflationary. We are talking about $3.7 billion that will be added to the value of good work, for working families in this country.

There is another reason that I believe it was urgent to bring this measure up on the floor today. We do not see, really, any interest by the leadership, the opposition leadership, in trying to work out, at least, some important and responsible alternative.

I am basically opposed to trying to compromise this measure any longer, because quite frankly, when my initial proposal was advanced, it was for three 50-cent increases with an inflator to correspond to the increased cost of living.

What did we do in terms of compromising that effort to try and bring people together on it? We said, ''All right, we will drop the third year even though by that time it will be justified merely to maintain the cost of living. We will put that aside, and beyond that we will put aside the cost of living inflator as well. We will put those two aside.'' Mr. President, that was a painful decision in terms of trying to protect the purchasing power of working families.

Now we are being asked to say, ''All right. Just wait around a little while. Sometime when we get ready to do it, we are going to do something. You will get a vote on something that will deal with wages, something that will deal with some other matters that you might not like.'' That is generally the way it is put. ''You might not like the combination of things we put together but you will get your vote.''

We reject that out of hand. Working families ought to reject it because that is failing to provide the kind of respect for those families that they deserve. You are toying with the lives of those families that are at such high risk today. So many of those, Mr. President, are women that are out there, working, and working hard, and the impact of the increase in the minimum wage is very, very important in terms of their children.

This is basically a women's issue and basically a children's issue. There will be 7 million females that will be affected; 5 million of those are adult women. Four million of those women are 25 years of age or older. Of the 12 to 13 million that will be affected, 4 million will be women 25 years of age or older. We find when we study this measure, when we look at those that are heads of households and those that are being affected or impacted by this, we find that, once again, it is the great majority of women that are the ones that are affected.

Mr. President, 60 percent of all the women who are working to earn the minimum wage are married and 23 percent are single heads of household. That represents 2 million women who are the heads of household with children. It is almost unbelievable that any person in this country who is a head of a household, single, woman, dependent on the minimum wage at $4.25 an hour is going to be able to make it for herself and for her children. And this is at a time when we have seen our own earnings here in the Senate increase three times since the last increase in the minimum wage. We see where corporate income has gone up 23 percent in this last year alone.

Mr. President, in all of the reports that we have seen, even as of this morning from the Council of Economic Advisers, all of them describe how well this economy is basically doing, how sound it is today. We did not have nearly the strength in the American economy in 1989 that we have at the present time. At that time we had

President Bush supporting this measure and a majority of the Republicans, including Senator DOLE, Congressman GINGRICH, supporting the increase of the minimum wage. What has changed? We have the real purchasing power now for those workers being as low as it was in 1989, when the economy was not as strong and when we still took action on the minimum wage. Why not now?

One of the arguments, of course, is that we will lose jobs. This is very interesting, Mr. President, because sometime in the future we will talk about the various studies, 12 in all, that show just the opposite. I will not take the time this afternoon to get into them, but if you look at the various studies that have been done with regard to the minimum wage, you cannot make that case about losing the jobs. You can take a more important relevant factor, and that is what is happening in the States recently.

My State of Massachusetts, over the objection and over the veto of our Republican Governor, increased the minimum wage by 50 cents. What has happened since the increase took effect in January of this year? What has happened is unemployment has gone down in Massachusetts, and unemployment in our neighboring State of New Hampshire, which did not raise it, has gone up.

I hope we will have a chance to debate those issues about loss of jobs. It is always interesting to hear those who are opposed to an increase in the minimum wage saying, ''I am concerned about those young minorities and all those Americans that are needy. We want to protect them.'' All you have to do is look at the studies that are out there, about what they want—94 percent of them want an increase. They are prepared to see an increase in the minimum wage because they do not believe, as I do not believe, that it will threaten their job.

Imagine you had over 120 million Americans working.

If you took 100 people that were making the minimum wage today and said it will be a 1-percent loss of jobs, but you can have a 25-percent increase in your pay, what do you think their reaction is going to be? ''We want to get that increase, and we will take our chances.'' We believe that job loss is a myth, as has been demonstrated in study after study. Job growth is happening in my own State of Massachusetts, and in other States, and nationally we will be able to see an expansion of the job market, which has been true in many cases.

So, Mr. President, we find that the case is compelling. We have the various studies about the minimum wage, about what has happened historically on this minimum wage, going back to the year 1949, on the issues of job growth or job loss. We went, in 1949, from 40 cents to 75 cents. The national economy improved from 5.9 unemployment to 5.3 percent. In 1955, it went from 75 cents to $1. In 1961, from $1 to $1.15. Unemployment decreased from 6.7 to 5.5 percent. It went from $1.25 to $1.40 in 1967. In 1974, it went from $1.60 to $2. Despite a recession, retail employment increased from 1978 to 1981. Employment increased by 8.3 million jobs and 1.4 million retail jobs. From 1990 to 1991, a recession that was underway quickly leveled off.

Mr. President, I do not believe that those statements and studies that proclaim the dangers of job loss can really be justified. They certainly cannot in terms of the history of the increase in the minimum wage. Mr. President, all you have to do is look at this chart here, which demonstrates the increase in the total number of jobs, up to about 118 million jobs from 108 million in 1991.

Since we had the increase in 1991, we have seen the steady increase in the total employment numbers. And look at what has happened in the most recent times, in my own State of Massachusetts, and look at what happened the last time we increased the minimum wage.

Mr. President, this chart is another indication about what has been happening. This is from 1979 to 1993. ''Growing apart. Real family income.'' This is what happened in terms of America's working families. From 1959 to 1970, each of these groups, the bottom 20, second 20, and mid 20, all across the top all moved up together. From 1980 to 1993, we have seen a growing apart in America. Those on the bottom rungs have been falling further and further behind.

Mr. President, you can see on this chart here about what has been happening to the purchasing power of the minimum wage. In constant dollars, you go as high as $6.45 in 1966, and $5.95 in 1976. It went up a small amount in 1990–91 as the increase in the minimum wage took effect—some 90 cents, and since that time, it has been dropping. It would, today, be right down there at the lowest level in 40 years. That is measuring the real purchasing power.

At the same time, Mr. President, here we have the difference between what has been happening to the Dow Jones Industrial Average, somewhat below 2,000 here, and up over above 5,000 now. This is between 1979 and 1995. This is good. This is an indication of economic strength and growth. We are glad these are the circumstances. But, on the other hand, look at what has been happening, in purchasing power, to the minimum wage. As the Dow Jones has been going up in that very steep rise, we see the real minimum wage going lower and lower.

Mr. President, this chart here shows what is happening to the real pay of workers, and in terms of the CEOs' pay. ''Green Tree is a Money Tree.'' ''$65.6 Million Package Angers Compensation Critics.'' These are newspaper articles. We find these extraordinary increases.

Mr. President, compare CEO pay with what happens in a minimum wage family. Three weeks of earnings. This chart indicates the $510 a minimum wage family would have earned compared with the tens of thousands of dollars a CEO of a major company would have earned and the dramatic disparity that has taken place.

Here are the final two charts, Mr. President. Wage earners from $4.25 to $5.14. Who are these individuals? What you see here is 31 percent are 16 to 19 years old. Over 20 years of age, almost 70 percent.

Mr. President, if you take the total value of earnings of the 90-cent increase in the minimum wage, 76 percent of that money will go to a family that is below the average income for the Nation. That is, 76 percent will accrue to families in the lower half of incomes.

That is an important figure. I do not believe it is as dramatic as the 2 million American women that are single heads of households with children, trying to make a go of it, but it is dramatic.

This chart shows 60 percent are women and for men, some 40 percent. Again, it is an issue for women, an issue for children, and it is an issue of fundamental economic justice. This Senate is familiar with this issue. It is uncomplicated. We have debated it and discussed it. It is time that the majority leader gives us a time to vote on a clean bill with time limits.

Mr. SIMPSON. Mr. President, I will inquire of my friend from Massachusetts, Senator KERRY. How much time do you require?

Mr. KERRY. I ask my friend for maybe 10 minutes. I do not think I will use it all.

Mr. SIMPSON. I am trying to get a unanimous-consent request to a time certain for the vote on this amendment. So if I might get Senator KENNEDY's attention. I am trying to obtain a unanimous-consent agreement that a vote occur on or in relation to the pending amendment at the hour of 3:40, or at a time when the group returns from the White House with regard to the activities in the signing of the antiterrorist bill. Would that be appropriate at 3:40 so our Members might be apprised of this?

Mr. KENNEDY. Well, Mr. President, I will consult with the leadership to find out what the disposition is. At that time, I will report immediately to the Senator. They will not be returning until 3:30 or 3:45, Republicans and Democrats alike. So we are in a situation where we are not in a position to make the judgment at this time. As soon as the leaders return, we will consult with them to find out what their disposition would be in terms of this issue.

Mr. SIMPSON. The pending business is the amendment. Let me respond briefly to the remarks of Senator KENNEDY. I am fully aware—I think all of us are aware—of what this is. It is, again, an attempt to drive the issue of minimum wage into the work of the

U.S. Senate. There is nothing else to this. I referred to it earlier in the day as somewhat like theater, with myself in the role of Puck and Senator KENNEDY in the role of King Lear. It is about class warfare.

It is about the rich versus the poor. It is about poor women and poor children. Ladies and gentleman, if we cannot grasp the issue of what we are talking about—we are talking about an issue which on one side the economists tell us that, if it passes, employers will quit hiring anybody.

I love the debate about human rights. It is a touching thing. But the best human right is a job. You do not get a job if the employer is not hiring people.

It is always stunning to me that some—I do not attribute to a person in any sense—but some who have this strange feeling that they love employees and hate employers. Employers employ employees.

I heard one part of the debate several days ago that the taxpayers are not going to pay this—that the employers are going to pay it. Well, who are employers? Employers are taxpayers.

It is the most remarkable flight of phantasmagoria, whether it is spun—whatever way you spin it—or whether we do it nicely, or whether we have to do it harshly, or whether we just watch a continual obsessive activity with two amendments that everybody knows are good stuff. It is pretty molten right now—dealing, mix them while they are hot. And they are molten, and everybody is watching. But that is really not the way it is.

What we ought to do is just get right with it because if we do not America will stop, and we will be dealing with illegal immigration in a separate matter.

I am not obsessed with illegal immigration. Let me say that. If you want to bury the dead right now on that, that is fine with me. I do not think the issue will go away. But I want the RECORD to be very clear where the sponsor of the legislation is. And the sponsor of this legislation is saying you can do anything you want with this. I have plenty of work to do. I am missing a hearing today on veterans that I was to chair as chairman of that committee.

I am stunned at the essence of the debate and the class warfare aspects about it.

So I just want to throw into the mix so we all chomp around on it. It is like bear meat. The more you chew it, the bigger it gets.

I know this is shocking. We should not really ever do this. But the Congressional Budget Office reports. Guess who pays the taxes in America? Who pays the most taxes? The rich. I know that is a shocking thing. I wish I had not said it.

So let us just put it in. The top 1 percent of all tax, the top 1 percent of the people in America, pay 15.8 percent of all taxes. The top 5 percent of all the rich in America pay 31 percent of all taxes. The top 10 percent of all the ugly rich in America pay 42.7 percent of the taxes. And the top 20 percent pay 59.2 percent of the taxes that fuel the Government of the United States. And most of them are called ''employers.'' I guess the rest of them are called ''rich.''

But I have always had a philosophy that we should not talk about the rich versus the poor. We should not talk about hitting them a little more. What we should do is confiscate every cent of those on the Forbe's list and the Fortune 500—take it all, every stock certificate, every Treasury bill, every yacht, every ranch—and guess what? It would be about $349 billion, and would run the country for 83 days.

It is absolutely bizarre to hear exercises of that nature with regard to the rich versus the poor while the real issue is how do you get a job and how do you keep a job? If we are talking about the women, the children, and all the rest of it in theater, then let us let the American people know. No wonder they look at both sides and all of us in these types of debates and say, ''I mean, I cannot believe it.''

Does anybody here think that those—some of us—over here care less about children, or less about women, or less about men, or the poor? Bizarre, absurd, and offensive, best described as absolutely offensive that somehow those of us on the other side of an issue are simply uncaring, and do not have any compassion. That is balderdash of the first order.

And I guess, as someone said, ''minimum wages'' mean minimum jobs. As one person said, they say there are 8 million new jobs. I know. I have three of them.

So that is where we are. But where we really are is dealing with illegal immigration and that is going to be difficult enough.

I just have been advised of a remarkable thing which I will put in the RECORD—a news release that the INS has given us phony figures on legal immigration. Instead of 800,000, it would be closer to 1 million, and here they were—their minions were giving us a press conference the day we are debating this bill on March 28 so that everybody could read up and see how we are diddling America. We do not need to do anything up here because the report released that day said ''widely circulated.'' Oh, indeed it was. They said, ''Well, we reported what it was. We just did not spin the future.''

So they have left us now with a situation under any scenario where legal immigration is going to go up a million a year, and that they have lied to us and given us phony figures that there are at least 100,000 to 150,000 persons a year off.

So now we are going to have that debate. Somewhere along the line we are going to have an honest debate about honest numbers. I think the people of America will demand that. I would like to know how anyone is going to get around addressing that issue with this kind of Jim Crackry, and it is extraordinary. It is hard to imagine.

I cannot imagine my friend, Doris Meissner, being part of that. I am sure she will have an opportunity to explain her position because there will certainly be hearings that will be joined in a bipartisan way on that particular bizarre and false information which was to prevent us from doing anything in the law to lower legal immigration because they, bless them, were doing it themselves, and they lied. That is another one in this line of work that goes with our particular conduct.

So now I ask unanimous consent that the vote occur on or in relation to the pending amendment 3730 at the hour of 3:30, and, further, that time be divided as follows: Senator KERRY, 10 minutes; and Senator DEWINE, 5 minutes.

Mr. CRAIG. Mr. President, reserving the right to object.

Mr. KERRY. Reserving the right to object, those times go beyond 3:30. It is contradictory. If you have 5 minutes and 10 minutes, it goes beyond 3:30. Therefore, if the order is set for 3:30, to fill the time we do not vote at 3:30. The unanimous consent request asked for a total of 15 minutes and it is now almost 20 after. I am trying to reconcile.

Mr. SIMPSON. I amend my request to the time of 3:40.

Mr. KERRY. Thank you.

Mr. CRAIG. Reserving the right to object, Mr. President, I must tell the chairman that I am opposed to this amendment. I need the time to express that opposition, and I would ask for 5 minutes to do so.

Mr. SIMPSON. Mr. President, that is perfectly appropriate. We have been holding the amendment open and asking for those who wished to debate it, and Senator DEWINE has been good and vigorous in that. I appreciate having the participation.

I would expand the unanimous-consent request to 3:45 for an extra 5 minutes for the Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the chairman for accommodating me. I have been chairing the Veterans' Committee in his behalf. I thank him very much.

Mr. SIMPSON. Now wait. That deserves a little added comment, Mr. President. He indeed can have any time he wants.

Mr. CRAIG. I thank the manager.

Mr. SIMPSON. I was required to chair a hearing and could not do that, and my friend from Idaho graciously agreed to do that with the Secretary of Veterans Affairs. I deeply appreciate that. Here I am urging him to come forth and he was doing my work. My abject apologies. I appreciate what he did do for me today in every respect.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Wyoming? The Chair hears none, and it is so ordered.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 10 minutes.

Mr. KERRY. I thank the Chair, and I thank the Senator from Wyoming.

Mr. President, let me respond, if I may, to a couple of comments made by the Senator from Wyoming. I am pleased to support the efforts of my senior colleague from Massachusetts, Senator KENNEDY, and I thank him for his persistent efforts to try to push this on the agenda. I regret that the reaction of my colleague from Wyoming is to suggest that raising the minimum wage is somehow not an appropriate effort in the Senate; that it is intruding on business of the Senate.

Raising the minimum wage is the business of the Senate. It is the business of the Senate particularly when you consider the fact that all four of the amendments approved for debate are amendments of the Republican Party. In effect, what is happening here is that the legitimate process of the Senate under the rules by which amendments are permitted, are part of the business of the Senate, the minimum wage is being closed out by parliamentary tactics of the Republican Party that does not want a vote on it.

I would suggest respectfully to my friend that this is not an issue of class warfare. There are countless rich people in America who support raising the minimum wage. There are countless people at the middle, at the upper, and at the very top level of our economy, all of whom believe that it is fair to raise the minimum wage.

I ask unanimous consent that an article which appeared in the Wall Street Journal, which one might have thought would not have articulated such an opinion, on April 19, last week, be printed in the RECORD. It is an article which says, ''Minimal Impact From Minimum Wage. Increase Won't Have Much Effect on Economy.''

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

[From the Wall Street Journal, Apr. 19, 1996]

MINIMAL IMPACT FROM MINIMUM WAGE INCREASE WON'T HAVE MUCH EFFECT ON ECONOMY

(By Jackie Calmes)

WASHINGTON.—Here's an economic prediction should Congress, as suddenly seems likely, raise the minimum wage: The costs will be smaller than opponents suggest, just as the benefits will fall short of supporters' claims.

While nearly all economists agree a minimum-wage increase can theoretically cost jobs and spike inflation if some employers cut payrolls or raise prices in response, they add hastily that actual effects depend on the specific proposal at hand. And President Clinton's relatively modest call for a 90-cent increase over two years, to $5.15 an hour, would have little negative impact, most agree. The same would be true if a liberal Republican proposal for a $1 increase became law.

But even if such increases wouldn't hurt the economy, they likewise would do little to help average workers even though Democrats have made the issue a fundamental part of their response to the problem of continued wage stagnation. Labor economist Gary Burtless of the Brookings Institution, a proponent of the minimum-wage increase, says flatly, ''It's not going to help the middle-class worker.''

Whenever an increase is the issue, some conservative economists and lawmakers always are tempted to refight the original Depression-era battle over whether there should be such a law in the first place. ''I find it hard to support an increase in the minimum wage at all,'' says economist Marvin Kosters at the American Enterprise Institute.

But on the narrower question of the increase now proposed, a broad range of economists generally come together. That is illustrated by the endorsement from 101 of them, including several Nobel laureates, of the president's initiative. They concluded the overall impact on workers and the economy would be positive.

Likewise, Chairman Joseph Stiglitz of Mr. Clinton's Council of Economic Advisers cites the modest level of the proposed increase and the declining value of the current $4.25-an-hour rate, now at a 40-year low in buying power. He says this explains why his current support for an increase doesn't contradict the negative things that, as a university professor, he once wrote about the minimum wage in an economics textbook.

Yesterday, at a meeting with House Democrats, Treasury Secretary Robert Rubin said a moderate increase would have ''no statistical effect on the economy.'' He called the proposal ''without question . . . the right thing to do four our economy.''

Still, there are costs; the question is how much.

Lawrence Lindsey, a governor at the Federal Reserve Board, says internal staff studies suggest a 90-cent increase would reduce employment by about 400,000 jobs over the long term. And that could have implications for inflation, he said. Assuming roughly half of those who lose jobs join the ranks of the structurally unemployed, the ''natural rate'' of unemployment—that is, the rate below which inflation begins to accelerate—would rise somewhat. And Fed Chairman Alan Greenspan recently told a House subcommittee, ''I think the evidence is persuasive'' that a boost in the wage floor increases unemployment.

John Taylor, an economics professor at Stanford University who was a member of President George Bush's Council of Economic Advisers, says of a minimum-wage increase, ''I'm pretty much of the view, having looked at it and written about it, that it costs jobs of low-skilled and minority workers.'' Of the specific proposals on the table, he says, ''This is not as bad as raising it to $6, but it's still going to cost jobs.''

And just last month, House Majority Leader Dick Armey of Texas dismissed the idea that Congress would vote to increase the minimum wage, snapping, ''I'm not interested in increasing the number of nonworking poor.''

But Mr. Burtless argues, ''When the minimum wage is as low in relationship to average wages as $4.25 is now to average wages in the United States, then even a rise of $1 an hour is not going to dis-employ that many people.'' Moreover, he says the effect on inflation would be small because, he has calculated, the pay of minimum-wage employees equals less than 1% of all compensation paid to U.S. workers.

At Harvard University, economics professor Lawrence Katz says ''there are no ways of improving the conditions of poor or low-wage working people that don't have some costs or some distortions.'' But he says the current low minimum wage argues for ''a modest increase,'' adding that ''the evidence suggests that the gains to low-income working people outweigh the employment costs.''

Meanwhile, the current debate has heightened attention to a recent study of Princeton professors Alan Krueger and David Card, who found no drop in employment among New Jersey's fast-food restaurants after the state raised its minimum wage in 1992 by 80 cents, to $5.05 an hour. (New Jersey is one of 10 states that have set minimum-wage levels above the federal standard.) Critics have challenged their methodology but, Mr. Krueger says, ''most academic studies find very little or no job loss. Indeed, about two dozen impartial academic studies have found insignificant evidence of job loss.''

So who benefits? Last year just over 5% of workers were paid the minimum wage. Economists generally agree those making just above the minimum wage, up to $6 an hour, could see a bump in pay as an indirect consequence of a minimum-wage increase. The liberal Economic Policy Institute estimates that 11.7% of the work force, of about 12.2 million people, make between $4.25 and $5.15.

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Mr. KERRY. In fact, 101 economists have all signed a letter, three of them Nobel laureates, suggesting this would have absolutely minimal impact just as it has since 1938.

It is not as if we are suddenly coming to the floor and debating some new concept in America. This was passed in 1938, and it has been passed again and again and again, that we have increased the minimum wage. On some occasions we have increased the minimum wage when it has been worth more than it is today. It is now worth 27 percent of what it was in 1979. If we let it go to the end of this year, it will be at a record 40-year low.

Leaving aside rhetoric about rich and poor, let us consider the rhetoric of work, the rhetoric of getting off welfare, the rhetoric of the values of our society. If you are going to value work, you have to pay people a fair wage for the day's work. What we are effectively saying, if we are going to ask people to vote below the level of poverty, is that we do not believe that a day's work in the United States is what it has been worth since 1938 or at those periods where we have raised the minimum wage to reflect what we thought it ought to be with respect to that day's work.

Someone in my office was walking down to Union Station for lunch today and on the way back bumped into a panhandler and had a conversation with the panhandler, and asked him, ''How much do you manage to collect out here during lunch hour?'' He said, ''I usually make about six bucks out here during lunch hour.''

So what the Republican Party is suggesting is that people ought to go to work for a wage that is worth less than a panhandler can make in 1 hour during lunch hour near the Nation's Capitol.

Is that a value of work? It seems to me, Mr. President, that if we are going to tell people you ought to get off of welfare and you ought to go to work, we ought to reflect the reality of who is working for what in this country. The fact is that, of those people on the

minimum wage, 62 percent of the people on the minimum wage now live in a household in which someone else is also working. The vast majority, 46 percent, of those people in the work force in America are women; 60-plus percent of those working for the minimum wage are women. They are not teenagers; they are people out there struggling to try to work to break out of poverty.

The fact is that you can work at the minimum wage in the United States today for the full 40-hour week without health care, without a pension benefit, without any of the kinds of benefits that most workers get, and you are working at three-quarters the rate of poverty. The maximum salary you take home is $8,500 a year. Our Republican friends seem to suggest it is OK for people to work for $8,500 a year and it is OK for them simultaneously to suggest taking away $32 billion of the earned-income tax credit over a 7-year period.

So they want to have it both ways. They want to suggest that they can give a $245 billion tax break, most of which—these are not our words; this is the result of their construction—most of which goes to people who already have money. It is just a fact. If you are earning $300,000 a year, in the Republican tax break, you get about $12,000 a year. But if you are working at $30,000 a year or less and you are getting the earned-income tax credit, your taxes go up.

That is not class warfare. That is just a fundamental question of fairness. Is it fair to give somebody who earns $300,000 a year $12,000 more and take away money from somebody earning $30,000 a year? The theory of that is that if you do make a lot of money and you work harder, you ought to make a lot more, but if you do not make a lot of money and you work harder, you ought to earn less. It is the most incredible equation I have ever heard of in my life.

We are going to raise the minimum wage sometime around here. We are going to do it. We are going to do it because this issue is not going away. It is just like in the past. In 1989, we finally raised the minimum wage. Eighty-six Senators joined together to raise the minimum wage. All we are trying to do is get it back to that level when 86 of us were able to agree that it was the right thing to do. We will raise the minimum wage, but it will be after an extraordinary amount of expended political capital and energy and, frankly, wasted time. Ultimately, we are going to come to some kind of agreement around here because that is ultimately what I think most people will agree is fair.

The last time we raised the minimum wage—it is very interesting—Senator DOLE, the majority leader, said and I quote:

> This is not an issue where we ought to be standing and holding up anybody's getting 30 to 40 cents an hour pay increase at the same time that we are talking about capital gains. I never thought the Republican Party should stand for squeezing every last nickel from the minimum wage.

But here we are in 1996; it is worth less, and yet we are not just squeezing every nickel from it; we are squeezing every penny out of it at the very same time Republicans are talking about a tax break for a whole lot of people who make a lot more money than people on the minimum wage.

Mr. President, I do not think we ought to be talking about rich versus poor. We ought to be talking about basic economics and what is good for the Nation. Every decade we have debated this you hear the same arguments. People come back and say: ''Oh, you can't do this because we are going to lose jobs.'' But in fact we do not lose jobs. America keeps growing. America gets stronger. America is creating more jobs.

The fact is that studies have shown, for instance, in New Jersey, when New Jersey raised the minimum wage, measured against Pennsylvania, the argument was, ''Oh, don't do this because Pennsylvania will have an unfair advantage, and all the jobs are going to go across the border to Pennsylvania.''

Well, lo and behold, Messrs. Card and Krueger did a study, Princeton University did a study, Rutgers University did a study, and it showed that jobs increased. We have had testimony from chief executive officers of businesses who not only pay the minimum wage but they also give full health care to their workers, and they find that their business grows, they prosper, and they are able to actually hold on to people because they treat them decently.

So I think this is an issue, the time of which has come, because the minimum wage is simply worth less than it was worth a few years ago. If we do not raise the minimum wage, we will have reached the unconscionable fact in this country that it is at the lowest it has been in 40 years at the very time that people are making the most political hay out of the rhetoric of going to work, getting off welfare, and living out American values. American values also require fairness. I hope we are going to have that fairness in this debate somewhere in the next days.

The PRESIDING OFFICER. The Senator from Idaho is recognized for up to 5 minutes.

Mr. CRAIG. Mr. President, I come to the floor in opposition to the amendment that we will soon be voting on, that the chairman of the committee has brought to the floor. I say that because I believe that America, out of fairness and justness, wants to stay with current law. Current law, now known as the McClure amendment, treats agricultural growers the same as all other businesses and business owners. I think it is important that we maintain the balance of fair play and property rights as recognized by current law.

The Simpson amendment in effect says if a farmer could put walls around or a roof over his or her fields, then the INS could not conduct an open-field warrantless search. But since this farmer cannot do that in a 10-acre, 50-acre, 100-acre, 500-acre field, since he cannot build a roof over his or her field, that workplace does not enjoy the same private property rights as all other workplaces. The McClure amendment, now current law, is applying the same INS search warrant procedures to all employers.

In this instance, I would argue the Senate ought to maintain the kind of fairness of the current law. If you want to search for illegal aliens, then you get the employer's permission, or if you have probable cause, then you get a search warrant. That is called fairness and equity in this society. I think that is what we have to strive for.

The McClure amendment applies only to unjustified searches and only to the Immigration and Naturalization Service. It does not apply to any other law enforcement agency such as DEA or State or local law enforcement officers. I think that is important to specify. INS agents in hot pursuit of illegal aliens or others who are violating the law could still enter the field. In other words, we have not created a wall here; we have created a protection of property rights.

The McClure amendment was originally passed because of evidence that the INS was abusing open-field searches. In my State of Idaho, prior to this law being in place, we had numerous occasions when, without notification, INS agents, with drawn guns, were running through orchards in the State of Idaho. That, to me, is a formula for disaster. Innocent people could accidentally become hurt as a result of this. And it did nothing, absolutely nothing, to enforce the laws as they currently were at that time.

The McClure amendment was originally passed for a lot of these reasons. The unlawful detaining of American citizens I have already mentioned. If current law protects property rights, then apparently there was a violation of property rights. I believe the Simpson amendment—not intending to do so—could see us fall backwards into that circumstance that I think would be very dangerous to do. It could result in the injuring of agricultural workers, causing damage to crops and property that is already well documented, that has occurred in the past.

Here is what is interesting. The Judiciary Committee voted 12 to 5 to reject a similar Simpson amendment and retain basically current law. They were right to do so. I cannot understand for the life of me, if that was the vote of the committee, that we are back here on the floor with this amendment.

I ask unanimous consent a letter from the National Council of Agricultural Employers and also a letter from Dean R. Kleckner, president of the American Farm Bureau Federation, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS,
Washington, DC, April 16, 1996.

DEAR SENATOR: The Senate will begin voting on amendments to the Simpson Immigration Reform bills tomorrow. Two of those amendments are detrimental to agricultural employers:

1. Simpson Amendment to repeal the agricultural search warrant provisions of the Immigration Reform and Control Act of 1986.

2. Kennedy Amendment to strike the intent standard for document abuse discrimination.

The search warrant provision under current law requires the Immigration and Naturalization Service (INS) to obtain permission from the property owner prior to entering the property to search for illegal aliens, or to obtain a search warrant. This provision affords growers the same protection from warrantless searches and unreasonable disruption of business activity enjoyed by any other business. By a vote of 12 to 5 in the Judiciary Committee mark-up, Senator DeWine successfully struck from the immigration reform bill earlier language to repeal the search warrant provision. Please uphold this decision and vote against Senator Simpson's amendment.

Also during Judiciary Committee mark-up, an intent standard for document abuse discrimination was added to the legislation. Under current law, employers are held strictly liable for document abuse discrimination if they ask a job applicant to provide a specific employment authorization document or request more documents than are required under the law. Even though applicants are not denied a job and alternative documents are accepted by the employer, the Office of Special Counsel at the Department of Justice has taken the position that the mere requesting (as opposed to requiring) of particular documents is an automatic violation of the law. This position is held regardless of the employer's intent and whether or not anyone was denied employment. Senator Kennedy's amendment would delete the intent standard from the reform legislation and replace it with language that essentially restates current law. Please vote against the Kennedy amendment.

Thank you for your consideration on these issues.

Sincerely,

SHARON M. HUGHES,
Executive Vice President.

A FARM BUREAU SPEEDLINE,
Washington, DC, April 16, 1996.

DEAR SENATOR: The American Farm Bureau has two concerns with regard to the illegal immigration reform bill under consideration by the Senate today. First, Sen. Alan Simpson (R–WY) will offer an amendment to his illegal immigration reform bill, S. 1664, to repeal the current-law requirement that INS agents obtain either a property owner's permission or a search warrant prior to entering agricultural fields in search of illegal aliens.

This requirement was enacted as part of the Immigration Reform and Control Act of 1986. The amendment to accomplish this, offered by then-Sen. James McClure (R–ID), attracted bi-partisan support. An amendment to strike a similar proposal originally included in the predecessor bill to S. 1664 was stricken by the Senate Judiciary Committee on a bipartisan 12–5 vote, approving a motion offered by Sen. Mike DeWine (R–OH).

The Administration has indicated neutrality on this issue, and has further indicated that the Department of Justice will not change its enforcement practices even if the open-field search warrant requirement is repealed.

Second, Sen. Edward Kennedy (D–MA) will offer an amendment to strike the intent standard provision of S. 1664. This provision of S. 1664 would create a new intent standard for discrimination allegations based on employer requests for more or different employment eligibility documents to prove work authorization. Farm Bureau supports this provision, and we oppose Sen. Kennedy's amendment to strike it.

The American Farm Bureau Federation urges you to oppose the Simpson and Kennedy amendments.

DEAN R. KLECKNER,
President,

Mr. CRAIG. Mr. President, I urge my colleagues, when this vote occurs in a few moments, to abide by current law and private property rights and the protection of the security of individuals. Consider the risks that could result as a result of us voting for the Simpson amendment and returning to law what this Congress rejected by substantial margin several years ago and has retained as the right position to hold when it comes to open-field searches and agriculture employers.

I yield the remainder of any time that I have.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 5 minutes.

Mr. DEWINE. Mr. President, I want to speak again in opposition to the Simpson amendment. I commend my colleague from Idaho for his very eloquent statement.

I urge my colleagues to retain current law, to retain the compromise that was made in 1986, and to vote the same way as the Judiciary Committee did, by an overwhelming vote of 12 to 5.

This bill does represent, as it is written today, the status quo. I think it would be a mistake to change that. It is interesting to note that the INS says there is no reason to change current law.

What is the history of this? Go back to 1984. You had a Supreme Court decision that said, in fact, you did not need a search warrant to go into an open field. But the court, in essence, invited Congress to speak on the issue.

Two years later, with the Simpson-Mazzoli bill, Congress did speak on the issue and said that an open field, when used for agriculture employment, should have the same basic protection, that the employees and employers should have the same basic protection that they had if that business had been conducted within a building, if we had been in a restaurant or another form of business. So, what the status quo does is keep a level playing field and keep both types of businesses being dealt with by the INS the same way.

We look at this many times from the point of view of the employer and say it would be unfair to ranchers, unfair to farmers, because of the time-sensitive nature of agriculture, to allow these searches without a search warrant. That is true. I think we also have to look at it from the point of view of the employee, because the reality is that before the law was passed, even though agriculture represented only 15 percent of the problem of illegal workers in the work force, 75 percent of the raids occurred in agriculture. I do not think you have to stretch your imagination too far to understand one reason why. It is easier. It is easier.

The other reason is, however good, however well intentioned the employees of the INS are and the agents are, when they look into a field and see brown faces, they think that may be a place we need to go. That is a problem. It is a problem that we do not need to return to.

My friend has just pointed out we need to talk about what the current status of the law is and what it is not. It says you have to have a search warrant. But many cases are resolved, obviously, by consent. If you have consent, the INS can go onto the property. Current law also provides that if INS is in hot pursuit, they can go onto the open field. Finally, current law also says if you are within 25 miles of the border, this provision does not apply; INS can go onto the property.

So I urge my colleagues—we are just a few minutes away from the scheduled vote—I urge them to support the position of the Judiciary Committee, a 12 to 5 vote. Support current law. Support the employees and employers. Keep in mind the position of the INS who sees no reason for any change in law.

I would also ask my colleagues to keep in mind the position of the American Farm Bureau. I also talked about this issue. I already read the names on the other letter that I talked about, a letter dated March 13, 1996, to all the members of the Judiciary Committee—American Farm Bureau, Agricultural Affiliates, American Association of Nurserymen. It goes on and on and on with basically a page of names. Their position is to keep the current State of the law and to oppose the Simpson amendment. I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it has been a good debate. I think I know where it is going with the vote, that all the votes are not there for my particular activity. But let us be very clear. I say to Senator DEWINE and Senator CRAIG—let me tell you, the law before 1986 was that the INS could go do a warrantless search, ladies and gentlemen. Before we changed the law, with this linkage of the ACLU and the agricultural workers and the growers, the law of the United States was just like this for everybody else.

The FBI could go into a field in plain view for a body or drugs, and with a warrantless search go forward. The INS could do that, the FBI could do that, the DEA. In 1986 we changed it. So the requirement that we have now is the special law. That is what is fascinating in this debate, I must say. I just think

I have been here too long. This was on the books.

There is not a single other law enforcement agency in the United States, when they come upon an open field and in plain view see something that gives them probable cause to believe there is a violation of the law—they go and do it. The only agency of the Federal Government that cannot is the INS. That is where we are. At least let us be realistic about what we have done. We retain it. That is the way it is. Move on to the next item of business.

But let us be totally candid. And let us not have anybody with their own opinion; let us all have our own facts. That was the law before 1986.

But I just want to add—since we were talking, I think, about the minimum wage for a moment—here is the one you want to keep in mind with the minimum wage and all you have heard all day long. This is from the New York Times of April 19, 1996. It is called ''Minimum Wage: A Portrait.'' Here is the portrait as compiled by the New York Times. There are three little items of interest.

Number of times in 1993 and 1994, when Democrats controlled Congress, that President Clinton mentioned in public his advocacy of a minimum wage increase: 0.

Next little item:

Number of times the President has done so in 1995 and 1996—through March 11—when Republicans have controlled Congress: 47.

Since March 11 there have probably been 47 more. Then finally:

Number of Congressional hearings Democrats held on the minimum wage in 1993 and 1994: 0.

Pure theater.

Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 3730 offered by the Senator from Wyoming. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—20

Bryan	Johnston	Rockefeller
Byrd	Lautenberg	Simpson
Chafee	Levin	Stevens
Glenn	Lieberman	Thomas
Grassley	Murkowski	Thompson
Gregg	Nunn	Thurmond
Hollings	Reid	

NAYS—79

Abraham	Baucus	Bingaman
Akaka	Bennett	Bond
Ashcroft	Biden	Boxer
Bradley	Frist	McCain
Breaux	Gorton	McConnell
Brown	Graham	Mikulski
Bumpers	Gramm	Moseley-Braun
Burns	Grams	Moynihan
Campbell	Harkin	Murray
Coats	Hatch	Nickles
Cochran	Hatfield	Pell
Cohen	Helms	Pressler
Conrad	Hutchison	Pryor
Coverdell	Inhofe	Robb
Craig	Inouye	Roth
D'Amato	Jeffords	Santorum
Daschle	Kassebaum	Sarbanes
DeWine	Kempthorne	Shelby
Dodd	Kennedy	Simon
Dole	Kerrey	Smith
Domenici	Kerry	Snowe
Dorgan	Kohl	Specter
Exon	Kyl	Warner
Faircloth	Leahy	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	
Ford	Mack	

NOT VOTING—1

Heflin

The amendment (No. 3730) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FURTHER CONTINUING APPROPRIATIONS FOR 1996

Mr. SIMPSON. Mr. President, this has been cleared with the Democratic leader. I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 175 regarding a 1-day extension of the continuing resolution.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 175) making further continuing appropriations for the fiscal year 1996 and for other purposes.

The Senate proceeded to consider the joint resolution.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the measure be considered read the third time and passed, the motion to reconsider be laid upon the table, that any statements relating to the measure be included in the RECORD.

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

The joint resolution (H.J. Res. 175) was read the third time and passed.

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator GRAHAM now be recognized for up to 15 minutes for debate on the continuing resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to be recorded as voting no on the continuing resolution.

Mr. President, nearly 1 month ago, after passing the 12th continuing resolution, we are now enacting the 13th continuing resolution. At the time we passed the 12th extension of the budget for fiscal year 1995, I said it was the last one that I would support.

Mr. President, I am here to keep my word. Frankly, the lack of leadership by this Congress is a national embarrassment. It is nearly 7 months into the fiscal year 1996, and we still do not have five budgets for five of the most important agencies of the Federal Government. This is no way for the world's largest economic entity to manage its resources.

It is almost as if the Congress has become addicted to this form of Band-Aid budgeting. When you think about it, there is a correlation between a drug addict's action and those of this Congress. We began this process on September 30, 1995, when we passed the first continuing resolution.

I analogize that action on September 30, 1995, as a casual, occasional user of marijuana. As we have proceeded over the days, weeks, and months since then, we have continued to become more and more addicted to this approach, to this avoidance of difficult decisions, to the willingness to say we failed to do it today so we will put it off until tomorrow.

Today, Mr. President, we are mainline injecting heroin as we sell ourselves: ''Oh, we only need one more day and we will be able to resolve this impasse.'' We have heard that ''one more day'' so many times. I remember distinctly when we voted on the 12th continuing resolution that the leadership of the appropriations process in the House of Representatives said they were so close to reaching a final resolution that would have carried us through the balance of the fiscal year and avoided the necessity of the 12th continuing resolution, and that failing that small increment to close on a final agreement, now we were going to have to use the period made available by the Easter-Passover recess. That certainly would be a period of time in which we could come to closure on this matter.

We failed again. Now, again, we are taking the heroin of a temporary extension of a budget that is more than a year old as a means of avoiding difficult decisions. We are acting, also, Mr. President, like the drug addict who is in a state of denial. We are denying that our failure to reach decisions was having serious effects on Americans. I believe that clearly our actions are having serious effects. They are not just the serious effects on the faceless bureaucrats under which we often wish to assign our failures to act.

The fact is that the Band-Aid approach to budgeting has broad ramifications. Just last month when we voted on the 12th continuing resolution, I used examples that have been

brought to my attention from my State of Florida. As an example, the Salvation Army in Fort Myers, FL, when I last discussed this case a month ago, I explained that the Salvation Army used funds which were provided by the Federal Emergency Management Agency to promote food and housing to the homeless.

In February 1996, the Salvation Army received its first installment for the fiscal year. In a normal year, that first installment would have been made available in October 1995. This is anything but a normal year. The Salvation Army was expecting they would receive their final allotment of Federal funds in early March. True to form, these funds have not yet been provided. There is only one thing consistent about this year, and that is total inconsistency.

On April 10, I visited the Florida State Legislature in its session. The question that many members of the legislature asked me is: When are you going to make up your mind? The less charitable members of the legislature asked the question: Have you lost your mind? Here is our State legislature, trying to prepare a budget for the fourth largest State in the Nation, with many of their important decisions based on a partnership with the Federal Government in health, education, job training, and many other areas. Yet, they do not know what their Federal partner's policy, what the Federal partner's commitment will be to that program halfway through the fiscal year.

Mr. President, we have had almost a month to work out this appropriations bill. When I was speaking to the legislature, I apologized for the fact we were so negligent in performing our work. I gave them hopeful assurances that we would soon end this too long impasse. Again, today, for the 13th time we are passing a continuing resolution putting off the decisions, putting off the commitment to shape up and get sober, put it off until another day, until we need another injection.

Mr. President, this continuing resolution is passed by a voice vote. This Congress has reasserted its addiction and that it cannot be expected to go cold turkey. The 13th continuing resolution will pass with one less vote than the 12th, and I hope if we have a 14th, I hope it will pass with substantially fewer votes than the 13th, and finally we will end this process of procrastination, delay, indecision, and pass the consequences on to the American people.

We cannot deny that this Congress is addicted to Band-Aid budgeting and that there are not serious ramifications to these actions. We must stop this cycle of dependency and face up to the difficult decisions which are ours.

Thank you, Mr. President.

I ask unanimous consent to be recorded as voting ''no'' on the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The RECORD will so indicate.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may proceed for up to 10 minutes as if in morning business.

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

CHANGING OF THE PALESTINIAN CHARTER

Mr. SPECTER. Mr. President, the action by the PLO today changing its charter and eliminating the provision calling for the destruction of Israel should put all Palestinian terrorists on notice that terrorism and the destruction of Israel is no longer the order of the day as far as the PLO is concerned.

This was a vote of 10 to 1; some 500 voted in favor of changing the PLO charter, some 54 voted against, a vote of 10 to 1 by the Palestinian national authority saying that the charter ought to be changed. No longer is it the PLO position that Israel ought to be destroyed. That ought to have a significant effect on changing the attitude of the terrorists who are trying to destroy Israel and trying to destroy the peace process, because now technically it is the Palestinian Parliament in exile which has called for the dropping of that language. It is the Palestinian National Council which voted 504 in favor of amending the 32-year-old charter, 54 against, and 4 abstaining saying that no longer is it the PLO policy to seek to destroy Israel.

You have at the present time Hezbollah, Hamas, and other terrorist organizations carrying on a reign of terror, of bloodshed, killing, an effort to destroy Israel and an effort to defeat the peace process. But with this action today by the PLO officially formally changing the charter, eliminating the call for the destruction of Israel, it is now evident that terrorism is out of step with the dominant Palestinian view. That ought to be followed, and every Palestinian who seeks to destroy Israel, every terrorist who seeks to destroy Israel, knows now that it is the official position, led by Chairman Yasser Arafat, that that idea has changed, that idea is passe, that idea is gone, and that the emphasis by responsible Palestinian leaders is to promote the peace process and to end terrorism.

With action by the U.S. Congress in 1994 in adopting the amendment put forward by Senator SHELBY and myself, which conditions U.S. aid on the change in the charter and more active action on the part of the PLO in combating terrorism, at least the first part has now been fulfilled.

The issue of the Mideast peace process has been tortuous. There have been so many developments since Israel emerged as a state in 1949. The enmity which has existed for thousands of years has meant senseless killing, terrorism against women and children as well as men in Israel, Hezbollah firing rockets into northern Israel, prompting the justified retaliation by Israel as a matter of national self-defense.

That killing and those terrorist activities ought now to stop in view of this official declaration by the Palestinian leaders that no longer does the charter of the PLO call for the destruction of Israel.

Mr. President, I am hopeful that the activities by Secretary of State Christopher will reach fruition. It is not an easy matter. The press is full of reports about how President Assad of Syria is keeping Secretary Christopher cooling his heels while President Assad talks to others or President Assad is otherwise busy. It is not an easy matter to negotiate in the Mideast. I compliment Secretary of State Christopher, and I compliment the President on the accomplishments which have been made.

The Mideast has been a particular point of interest to me. I made my first trip to Israel back in 1964. I traveled there again as a private citizen in 1969, again in 1978, again in 1980, and after being elected to the Senate traveled there considerably. I have had the opportunity to visit Damascus on many occasions. I made my first trip there in 1984.

As long as the Secretary of State has cooled his heels, this Senator cooled his heels a lot longer. I returned there in 1988 after the Soviets had advised the Syrians they were no longer going to finance Syrian military operations, and in 1988 President Assad was prepared to see ARLEN SPECTER; I had a meeting of 4 hours and 35 minutes, and I have made many trips back and have had an opportunity to gain some understanding as to the negotiating process in the Mideast.

I suggest that the attitude of the Syrians has changed considerably in the 12 years which have intervened since my first trip to Damascus in 1984 and today, 1996. When I first had an opportunity to talk to President Assad, the idea of negotiations with Israel was totally out of the question. We have seen problems that the United States has had in Lebanon with the killing of so many of our marines, and we have seen grave difficulties in Lebanon in 1982 with Israeli action there. I believe that a cease-fire can be attained there, and I believe the peace process can be promoted.

We had the historic activity of President Sadat of Egypt in the first breakthrough back in 1978 and 1979. We have since seen the peace process with an Israeli-Jordanian peace agreement. We

have seen an event at the White House lawn back on September 13, 1993, that I never thought would have been possible with Chairman Arafat honored there. But when then Prime Minister Rabin shook the hand of Chairman Arafat and then Foreign Minister Peres shook the hand of Chairman Arafat, the U.S. policy was to support the peace process. If Israel, which had been the principal object of PLO terrorism, was prepared to deal with Chairman Arafat, then so was the United States.

I have had an opportunity to meet with Chairman Arafat on three occasions since that historic event at the White House on September 13, 1993. I have gone there in a visit with Senator BROWN in August of last year, carrying with us a list of specific terrorists where we thought the Palestinian authority had not turned them over to Israeli officials in accordance with the agreements which had been made, presented them one by one, and, candidly, heard many excuses offered by Chairman Arafat.

Senator SHELBY and I had an opportunity to visit again with Chairman Arafat this past January 2 and again talked about the language of the PLO charter and pushed to have it revised. At that time, Chairman Arafat said he would do his utmost. The elections were coming up with the Palestinians on January 20. Those elections were held, and now we have had this historic event with the Palestinian Parliament in exile dropping the language by a vote of 504 in favor of eliminating the language calling for the destruction of Israel, 54 against, and 14 abstaining. That language had been in the charter for some 32 years.

So, you have a vote of 10 to 1, a very, very sizable majority, which ought to put all of the Palestinian terrorists on notice that it is no longer acceptable, even from the Palestinian point of view, to call for the destruction of Israel and to carry out acts of terrorism.

So it is my hope that this historic vote, when it is communicated to the Palestinians in that region, when it is communicated to the Palestinians around the world, may have the effect of letting the Palestinian terrorists know—Hezbollah, Hamas, and the other terrorist organizations—that it is no longer appropriate, it is no longer proper, it is condemned by the Palestinian authority itself, that terrorist acts against Israel ought not to be carried forward. If we can stop Hezbollah, if we can stop Hamas and the other terrorist organizations, then I think we can move forward with the peace process.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3672

Mr. SIMPSON. Mr. President, I now submit a request. It has been cleared through the leadership on both sides of the aisle, as I have been advised.

I ask unanimous consent that the Senate now resume consideration of amendment No. 3672, the Simpson-Kempthorne amendment, as modified, and that there be 30 minutes for debate, 20 minutes under the control of Senator DORGAN, 10 minutes under the control of Senator DOMENICI; to be followed by a vote on or in relation to the amendment without further action or debate. And immediately following that vote, regardless of the outcome, the Senate proceed to vote on or in relation to the Dorgan amendment, No. 3667.

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

AMENDMENT NO. 3672, AS MODIFIED

Mr. SIMPSON. Mr. President, I send the modification of the amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Amendment No. 3672, as modified, is as follows:

At the end of the amendment add the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a ''firewall'' to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

Mr. SIMPSON. Mr. President, I yield the floor to Senator DORGAN.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume. A couple of colleagues wish to come to speak on this amendment as well.

First of all, the circumstances are we will vote on a Kempthorne amendment. I have no objection to that amendment. I intend to vote for it.

It contains conclusions that I support, talks about the desire to balance the budget, to do so without Social Security benefits being reduced or Social Security taxes being increased. I have no objection to that. I intend to vote for it.

But that is not the issue. The issue is the second vote on the amendment that I offered, a sense-of-the-Senate resolution. That amendment is very simple. It is an amendment that says that when a constitutional amendment to balance the budget is brought to the floor of the Senate it ought to include a firewall between the Social Security trust funds and the other revenues of the Federal Government.

The reason I feel that way is because we are now accumulating a yearly surplus in the Social Security trust funds. It is not an accident. It is a deliberate part of public policy to create a surplus in the Social Security trust funds now in order to save for the future.

The reason I know that is the case is because in 1983 I helped write the Social Security reform bill. I was a member of the House Ways and Means Committee at the time. We decided in the Social Security reform bill to create savings each year. This year $71 billion more is coming into the Federal Government in receipts from Social Security taxes over what we will spend this year—a $71 billion surplus this year alone, not accidental but a surplus designed to be saved for the future.

It is not saved for the future if it is used as an offset against other revenue of the Federal Government. If it is simply becoming part of the revenue stream that is used to balance the budget and the operating budget deficit, it means this $71 billion will not be there when it is needed.

I have heard all of the debate about, well, this is just an effort by some of those who would not vote for the other constitutional amendment to balance the budget, just an effort to justify their vote. No. There were two constitutional amendments to balance the budget offered in the U.S. Senate last year. One of them balanced the budget and did so by the year 2002, using the Social Security trust funds as part of the operating revenue in the Federal Government. I do not happen to think that is the way we ought to do it.

The Senator from Illinois, Senator SIMON, is on the floor. He has been one of the authors of that particular amendment. I happen to know that he changed his mind on this issue. He originally felt we should not include the Social Security trust fund money as part of the operating revenue of the Federal budget.

I still believe fervently we should not do that. One of the sober, sane things that was done in the 1980's in public policy was to create a surplus each year in the Social Security accounts to save for the future when it is needed, when the baby boomers retire. To simply decide to throw that all in as operating revenues and provide for it in a constitutional amendment to the Constitution, and use it to help balance the operating budget of the Federal Government, is in my judgment not honest budgeting.

We are either going to save this or not. If we are not going to save it we ought not collect it from the workers. If the workers have it taken from their paychecks and are told, ''This money coming from your paycheck goes into a Social Security trust fund,'' and if it goes into the Social Security trust fund and then is used as other revenue to balance the Federal operating budget, it is not going to be there when the baby boomers retire.

That is the import of this amendment. If those who propose a constitutional amendment to balance the budget would bring to the floor a constitutional amendment with section 7 changed as we proposed it previously and voted on it that says it is identical in every respect to the constitutional amendment offered by Senator SIMON, Senator DOLE, and others with the exemption that the Social Security trust funds shall not be used as operating revenue in the Federal budget to balance the budget, they would get 70 or 80 votes, 75 votes perhaps for a constitutional amendment to balance the budget.

Because they did not do that, they fell one vote short. They intend to bring a constitutional amendment to balance the budget to the floor of the Senate again, and have announced they intend to do it under a reconsideration vote. They have a right to do that. We simply want an opportunity to provide a sense-of-the-Senate resolution to say to all of those in the Senate, when you bring this, do it the right way this time. If you do it the right way you will, in my judgment, pass a constitutional amendment to balance the budget out of this Senate and send it to the States for ratification.

That is what this sense-of-the-Senate vote is about. It is not about protecting anybody. It is not about setting up a scarecrow. It is about very serious, important public policy issues. Anyone who says this is not an important or serious issue apparently misunderstands what the policy issues are here. I did not vote to reform the Social Security system—I did not vote to increase payroll taxes in the 1980's, as did most Members of Congress, in order to have that money go into the operating budget of the United States and not be saved for the future in the Social Security trust funds as we promised the American people it would be.

Last year the Budget Committee brought to the floor of the U.S. Senate a budget. They said, ''Here is our balanced budget.'' And on page 3 it says, ''Deficits—'' in 2002, $108 billion. How can that be the case? Because technically they say, ''We haven't yet balanced the budget, technically in law, but what we have done is promised we will use this money to show a zero balance because these Social Security trust funds, to the tune of $108 billion, will be used to balance the Federal budget.''

It is not an honest way to do business. It ought not be done. We can, in my judgment, remedy this problem very quickly. Voting for my sense-of-the-Senate resolution, and including in the constitutional amendment to balance the budget that is brought to the floor of the Senate, the provision I have described, which is fair to the American workers, keeps our promise with the American workers, is fair to senior citizens in this country, and does what we said in 1983 we were going to do for the future of the Social Security system.

I am a little weary of hearing people stand on the floor of the Senate saying the Social Security system is going broke. The system has been around 60 years. In the year 2029, which is 30-some years from now, we have financing problems with it, yes, but we are going to respond to those long before 2029. For someone to say a system that has been around here for some 60 years is going to go broke because in the year 2029—33 years from now—we have financing trouble is, in my judgment, unfathomable.

This is a wonderful contribution to this country of ours, the Social Security system. We can and have made it work, and will make it work in the future. But I will guarantee you that it will not work in the future the way we expect it to, to help the people who are going to retire in the future in this country, the baby boomers especially, if we do not take steps to protect the Social Security trust funds and use them for the purpose that they were intended back in the 1983 Social Security Reform Act.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The time is under the control of Senator DOMENICI and Senator DORGAN. Senator DORGAN has approximately 12 minutes left of his time. Senator DOMENICI, who I do not see at this point, has 10 minutes under his time.

Mr. SIMON. Mr. President, since I have not spoken to Senator DOMENICI, I ask unanimous consent that I be permitted to speak for 3 minutes and not have it charged to either side.

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

Mr. SIMON. Mr. President, I agree with 90 percent of what my friend from North Dakota has to say. Where I do differ is—and let me add in the Budget Committee I supported Senator FRITZ HOLLINGS in saying that we should exclude Social Security as we balance the budget. I cosponsored that legislation. What is true, however, is that the balanced budget amendment that we proposed, as it was, protects Social Security more than the present law does. Bob Myers, chief actuary for Social Security for 21 years, strongly supported the balanced budget amendment saying it was essential to the protection of Social Security.

I recognize that we are close to getting something worked out. I hope we can. I do think it is unrealistic, the amendment offered by my friend from North Dakota, that by the year 2002, we can do this, excluding Social Security. I think if we go on a glidepath for a few years later, that can be worked out.

To those who question that, that provides a great deal more protection than you have in the present law. The present law gives theoretical protection, but it is not there. The Constitution gives muscle to that.

Now, I add that I want to make sure that, in the years we have deficits, we fill those deficits, that we do not exclude both the receipts and the deficits, because the time will come—I may not be around to need it but the Senator from North Dakota will—when we need to protect those deficits and make clear that is a liability of the Federal Government.

I am hopeful something can get worked out yet. There are various versions floating around right now. It would be a great day for the American public if we could get it worked out.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time do the Democrats have and how much time do I have?

The PRESIDING OFFICER. There is remaining 12 minutes 15 seconds under the control of Senator DORGAN and 9 minutes 50 seconds under the control of the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not sure I need all my time. Let me yield myself 5 minutes at this point.

Mr. President, I guess I start this by paraphrasing Ronald Reagan: Here we go again. Every time we get into a balanced budget debate, someone tries to claim that Congress is raiding the Social Security trust fund. Every single time it happens, somebody gets up and claims we are not doing it right.

I simply want to note that there is a bit of irony in this debate in the Dorgan amendment. In 1995, we saw a plethora of budget proposals from both sides of the aisle. We saw a number

from that side of the aisle. Indeed, at last count, the President himself has proposed 10 different budgets since January 1995. Each and every one of those budgets, including the President's 1997 budget, includes Social Security in the deficit calculations.

I am not suggesting that is in any way violating the law, because it is not. It is not violating the law to produce a balanced budget and call it a balanced budget under the unified concept which has been used since Lyndon Johnson's time, when at the direction of Arthur Burns, one of the best economists we have ever had serve us, the United States decided to put everything on budget, because everything on that budget had an impact on the economy of the United States. So does the trust fund have an impact on the economy. The unified budget was a concept of putting everything on there that has any economic impact on the people of the United States and the American economy.

Somehow, it seems to me, we have some kind of a gap here. Unless I am reading wrong, Senator DASCHLE, Senator DORGAN, two of the sponsors of this so-called Social Security amendment, promoted a balanced budget here in the U.S. Congress. If I am wrong, the Senator can tell me I am wrong. Somehow, it seems to me that something must have escaped, escaped the mind, because that plan could only claim to reach balance in 2002 including the Social Security trust fund.

As a matter of fact, I have not seen any budget produced that has been offered as an instrument upon which we would vote here in the Senate that produces the kind of balanced budget that is now being encouraged by this sense-of-the-Senate resolution. The Republican budget, the first one that balanced the budget, the first one to pass Congress to balance the budget in two generations, also included the Social Security trust funds in this deficit calculation.

That does not mean that in doing that you are detracting from the solvency of the Social Security fund. As a matter of fact, in each and every one of the budgets I have been discussing, to my recollection, the nine the President has offered, two of which have been balanced, the others that I have referred to in a very, very formidable way, those budgets do not touch Social Security. They do not touch the benefits. They do not touch the taxes that are attributable to Social Security. You get a balanced budget without in any way doing harm to the Social Security trust fund and the taxes that are imposed on the American people in order to get that done.

Frankly, it seems to me, for those who would like to make sure we get a balanced budget and not use the Social Security trust fund in the calculations, I wonder how they get to balance. I have not seen any proposals that have accomplished that. From this Senator's standpoint, if we are going to get there by 2002, which I think is everybody's agenda, I believe it is inconceivable that you can get there and in the final calculations—that is why I am saying in the calculations—you do not use the unified budget concept, which for more than 20 years has been used in almost every examination of the impact of the Federal budget on the people of this country.

Maybe I am missing something. Maybe somebody knows another way to do it by 2002 and reduce the expenditures of our Government by another $190 to $200 billion. I do not believe, in my efforts, which I think have been at least, if not successful, at least we have shown various ways—and it has been a rather formidable exercise—I do not think we have ever come up with anything that could do that.

While I understand the debate is a useful debate, we ought to be very concerned about it. I think it is truly, ''Here we go again,'' and I hope the U.S. Senate decides we ought to get on with the subject, get a balanced budget, and get a constitutional amendment and not do the sense of the Senate at this point.

Mr. DORGAN. I yield 7 minutes to the Senator from South Carolina, Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from North Dakota.

Obviously, I do not take any pleasure in correcting the record made by my distinguished chairman of the Budget Committee. I served as chairman of the Budget Committee and had the best of cooperation from the distinguished Senator from New Mexico. I hope we can cooperate again in getting a balanced budget amendment to the Constitution that protects social security.

Last year on March 1, 1995, five Senators signed a letter to the majority leader stating that we were ready, willing and able to vote ''aye'' on a balanced budget amendment to the Constitution so long as we did not repeal the statutory law of the United States that prohibits the use of Social Security trust funds in computing either deficits or surpluses of the Federal Government.

Now my distinguished friend from New Mexico says that both sides use it, and he starts, of course, with President Lyndon Johnson.

Mr. President, I ask unanimous consent to have printed in the RECORD a budget table of the deficits and surpluses for the past 40 years.

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

President and year	U.S. budget (outlays in billions)	Trust funds	Real deficit	Gross Federal debt (billions)	Gross interest
Truman:					
1945	92.7	5..4	.....	260.1	(1)
1946	55.2	3.9	−10.9	271.0	(1)
1947	34.5	3.4	+13.9	257.1	(1)
1948	29.8	3.0	+5.1	252.0	(1)
1949	38.8	2.4	−0.6	252.6	(1)
1950	42.6	−0.1	−4.3	256.9	(1)
1951	45.5	3.7	+1.6	255.3	(1)
1952	67.7	3.5	−3.8	259.1	(1)
1953	76.1	3.4	−6.9	266.0	(1)
Eisenhower:					
1954	70.9	2.0	−4.8	270.8	(1)
1955	68.4	1.2	−3.6	274.4	(1)
1956	70.6	2.6	+1.7	272.7	(1)
1957	76.6	1.8	+0.4	272.3	(1)
1958	82.4	0.2	−7.4	279.7	(1)
1959	92.1	−1.6	−7.8	287.5	(1)
1960	92.2	−0.5	−3.0	290.5	(1)
1961	97.7	0.9	−2.1	292.6	(1)
Kennedy:					
1962	106.8	−0.3	−10.3	302.9	9.1
1963	111.3	1.9	−7.4	310.3	9.9
Johnson:					
1964	118.5	2.7	−5.8	316.1	10.7
1965	118.2	2.5	−6.2	322.3	11.3
1966	134.5	1.5	−6.2	328.5	12.0
1967	157.5	7.1	−11.9	340.4	13.4
1968	178.1	3.1	−28.3	368.7	14.6
1969	183.6	−0.3	+2.9	365.8	16.6
Nixon:					
1970	195.6	12.3	−15.1	380.9	19.3
1971	210.2	4.3	−27.3	408.2	21.0
1972	230.7	4.3	−27.7	435.9	21.8
1973	245.7	15.5	−30.4	466.3	24.2
1974	269.4	11.5	−17.6	483.9	29.3
Ford:					
1975	332.3	4.8	−58.0	541.9	32.7
1976	371.8	13.4	−87.1	629.0	37.1
Carter:					
1977	409.2	23.7	−77.4	706.4	41.9
1978	458.7	11.0	−70.2	776.6	48.7
1979	503.5	12.2	−52.9	829.5	59.9
1980	590.9	5.8	−79.6	909.1	74.8
Reagan:					
1981	678.2	6.7	−85.7	994.8	95.5
1982	745.8	14.5	−142.5	1,137.3	117.2
1983	808.4	26.6	−234.4	1,371.7	128.7
1984	851.8	7.6	−193.0	1,564.7	153.9
1985	946.4	40.6	−252.9	1,817.6	178.9
1986	990.3	81.8	−303.0	2,120.6	190.3
1987	1,003.9	75.7	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−255.2	2,601.3	214.1
Bush:					
1989	1,143.2	114.2	−266.7	2,868.0	240.9
1990	1,252.7	117.2	−338.6	3,206.6	264.7
1991	1,323.8	122.7	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−403.6	4,002.1	292.3
Clinton:					
1993	1,408.2	94.2	−349.3	4,351.4	292.5
1994	1,460.6	89.1	−292.3	4,643.7	296.3
1995	1,514.4	113.4	−277.3	4,921.0	332.4
1996	1,572.0	126.0	−270.0	5,191.0	344.0
Est. 1997	1,651.0	127.0	−292.0	5,483.0	353.0

[1] Budget realities: Senator Hollings, April 17, 1996.

Note: Historical Tables, Budget of the U.S. Government FY 1996; Beginning in 1962 CBO's 1995 Economic and Budget Outlook.

Mr. HOLLINGS. If you look at this table, you can refer to 1969 when we had the last budget balanced. I happened to have been here and to have voted for it. That is a unique experience.

If you look down to the 1997 budget that we will be working on, you can see the intent to use $127 billion—$127 billion in trust funds. Up, up and away.

I hold in my hand this light blue book entitled ''Budget Process Law Annotated.'' You will not find the word ''unified'' in it. You, will, however, find section 13301 of the statutory laws of the United States.

I ask unanimous consent to have that section printed in the RECORD at this point.

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

SUBTITLE C—SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.''.

Mr. HOLLINGS. Mr. President, section 13301 says you cannot use Social Security. In our failure to follow that law, we should not wonder why the people do not have any faith or trust in their Government.

Let us go back to Social Security. In 1983, we increased the Social Security payroll taxes in order to save the program. We said these moneys would be used only for Social Security. We were going to balance the budget for general government and build up Social Security surpluses to ensure that money would be there when they baby boomers retire. However, working in the Budget Committee with the distinguished Senator from New Mexico, you could see what was happening. Budget deficits went up, up and away. We had less than a trillion-dollar debt when Reagan came to town. It is now $5 trillion. So in the Budget Committee, on July 10, 1990, I offered an amendment to protect the surpluses in the Social Security trust fund. It was my amendment that passed the committed by a vote of 20–1.

I ask unanimous consent to have the vote printed in the RECORD.

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

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay:

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Mr. President, after our success in the Budget Committee, I worked with Senator Heinz to offer the same amendment on the Senate floor on October 18, 1990. The vote was 98–2, and the distinguished Senator from New Mexico voted both in July, and in October to not use Social Security trust funds.

I ask unanimous consent that that vote be printed in the RECORD.

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

Hollings-Heinz, et al., amendment which excludes the Social Security Trust Funds from the budget deficit calculation, beginning in FY 1991.

YEAS (98)

Democrats (55 or 100%)—Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Helfin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

Republicans (43 or 96%)—Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, Wilson.

NAYS (2)

Republicans (2 or 4 %)—Armstrong, Wallop.

Mr. HOLLINGS. Mr. President, when the both sides continued to use the surpluses—I teamed up with Senator MOYNIHAN. I said, ''Look, you are using these moneys for defense, education, housing, foreign aid, for everything but Social Security. Let us just stop the increase in taxes on Social Security.''

So exactly 5 years ago, on April 24, 1991, the distinguished Senator from New Mexico moved to table the Moynihan-Kasten-Hollings amendment that would have reduced Social Security revenues in the budget resolution by about $190 billion.

I ask unanimous consent that that vote be printed in the RECORD.

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

Domenici motion to table the Moynihan-Kasten-Hollings amendment which reduces Social Security revenues in the budget resolution by $24.6 billion in FY 1992, $27.6 billion in 1993, $38.2 billion in 1994, $44.0 billion in 1995, and $61.7 billion in 1996; and returns Social Security to pay-as-you-go financing.

YEAS (60)

Democrats (26 or 47%)—Baucus, Bentsen, Bingaman, Bradley, Breaux, Bumpers, Burdick, Byrd, Conrad, Daschle, DeConcini, Dixon, Ford, Glenn, Graham, Heflin, Johnston, Kohl, Lautenberg, Levin, Mikulski, Robb, Rockefeller, Sasser, Shelby, Simon.

Republicans (34 or 79%)—Bond, Brown, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatfield, Jeffords, Kassebaum, Lott, Lugar, McCain, McConnell, Murkowski, Packwood, Pressler, Roth, Rudman, Simpson, Smith, Specter, Stevens, Thurmond, Warner.

NAYS (38)

Democrats (29 or 53%)—Adams, Akaka, Biden, Boren, Bryan, Cranston, Dodd, Exon, Fowler, Gore, Harkin, Hollings, Inouye, Kennedy, Kerrey, Kerry, Leahy, Lieberman, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Reid, Riegle, Sanford, Sarbanes, Wellstone, Wirth.

Republicans (9 or 21%)—Craig, Hatch, Helms, Kasten, Mack, Nickles, Seymour, Symms, Wallop.

NOT VOTING (1)

Democrats (1)—Pryor.

Mr. HOLLINGS. Mr. President, on November 13, 1995, the Senator from New Mexico again joined with us on a vote of 97–0 not to use Social Security trust funds. But in March of last year they were trying to get a balanced budget amendment to the Constitution that used an additional $636 billion in Social Security trust funds.

Under that approach, we would come around to the year 2002 and say, ''Whoopee, we have finally done our duty under the Constitution and we have balanced the budget.'' But we would have at the same time caused at least a trillion-dollar deficit in Social Security. Who is going to vote to increase Social Security taxes, or any other tax, to bring in a trillion dollars?

That is our point here. That is why we have offered this sense of the Senate. What happens is the media goes right along. I want to quote from an April 15 article in Time magazine which talks about the surpluses in the highway trust fund:

Supporters argue, rightly, that the money would go where it was intended—building roads and operating airports. But the supposedly untapped funds are actually an accounting figment.

That is what we will have to say about Social Security in 2002 because the money will not be there. Let us cut out this charade, stop the fraud, and be honest with each other. Let us get truth in budgeting.

I reserve the remainder of our time.

Mr. DORGAN. Mr. President, I yield 2 minutes to Senator FORD.

Mr. FORD. Mr. President, I thank my friend from North Dakota. I think everyone should have listened to my friend from South Carolina. He has been there from year one. He knows the history of it. He understands it, and he says it straight.

I listened to my good friend from New Mexico, chairman of the Budget Committee, one of the smartest financial wizards in the Senate. I believe, honestly and sincerely, that he knows how to operate to be sure that Social Security funds are not used. He says he only wants to use them for calculation. He does not touch the fund, the taxes; he does not touch anything. If you do not touch them, why use them? If you do not touch them, why use them?

We have a contract with the people of this country. Social Security is doing better. There are 8.4 million new jobs, all of them paying into Social Security. Things are beginning to look a little better. But if we take Social Security funds to balance the budget, then we are deceiving the American public.

I voted for a balanced budget every time except the last time because, before that, it excluded Social Security funds. This last time, it included Social Security funds. You had at least seven more votes—we would be in the seventies on the balanced budget amendment had you said we exclude Social Security moneys.

So when you say you are not using them, you will not spend them, you are not going to touch taxes, there ought to be a way, and there should be a way, that we can pass a balanced budget here without using those funds.

I hope my colleagues will listen to Senator DORGAN and Senator HOLLINGS and that we approve this sense-of-the-Senate resolution.

I suspect my time has expired. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. How much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. DOMENICI. Mr. President, I told Senator DORGAN I would use our time up and he could close. Senator SIMPSON has arrived. He is never without something to say on this subject. I yield half of my remaining time to the Senator from Wyoming.

Mr. SIMPSON. I thank the Senator. It will not take 2 minutes. It does not take too many minutes to explain that there is no Social Security trust fund. To come to this floor time after time and listen to the stories about the Social Security trust fund is phantasmorgia and alchemy. There is no Social Security trust fund. The trustees know it, we know it, everyone in this Chamber knows it.

What you have is a law that says if there are any reserves in the Social Security system, they will be invested in securities of the United States, based on the full faith and credit of the United States. Therefore, they are. They consist of the bills, savings bonds, and they are issued all over the United States. Some here own them, and banks own them. The interest on those is paid from the General Treasury, not some great kitty or some Social Security piggy bank. This is the greatest deception of all time.

The sooner we wake up and realize that the trustees of the Social Security system, consisting of three Members of the President's Cabinet, consisting of Dona Shalala, Robert Rubin, and Robert Reisch, Commissioner Shirley Chater, one Republican and one Democrat, are telling us this system will be broke in the year 2029 and will begin to go broke in the year 2012—there is no way to avoid it unless you cut the benefit or raise the payroll tax. Guess which one we will do at the urging of the senior citizens? We will raise the payroll tax one more time.

Mr. DOMENICI. Mr. President, we have a letter dated January 19 signed by Senator EXON, Senator DASCHLE, and Senator DORGAN with reference to a proposed balanced budget that they wanted the Republicans to join them in with some common ground.

I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 19, 1996.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR MR. LEADER: We are disturbed by several remarks you made yesterday at your news conference on the status of budget negotiations. It is unclear to us why your public comments concerning the budget continue to grow more pessimistic even as the gap between our two plans continues to narrow.

We believe a workable solution to balancing the budget is indeed at hand. Since our House counterparts appear less willing, or less able, to discuss alternatives, we ask that you take the initiative and join us to build support for a ''common ground'' balance budget. This budget would be based on the $711 billion in reductions to which all parties in the budget negotiations have already agreed. (Please see the attached chart outlining those areas of agreement.)

Democrats and Republicans have made a great deal of progress over the past few weeks in narrowing the gap between our two plans. The biggest remaining gap, of course, it the difference between our two tax cut proposals. The current Republican plan calls for $115 billion more in tax cuts than does the plan offered by the President and Congressional Democrats. Your plan pays for these additional tax breaks by cutting $132 billion—above and beyond what Democrats have agreed to—from programs that are essential to working families.

Spefically, your plan cuts Medicare by $44 billion more than the Democratic plan. It cuts Medicaid by $26 billion more. It cuts domestic investments in areas such as education and the environment by $52 billion more. And it raises taxes on working families by $10 billion.

The Democratic plan, by contrast, allows us to balance the budget in seven years using CBO numbers, provide a reasonable tax cut of $130 billion for working families, and still protect Medicare, Medicaid, education and the environment.

We should act decisively to balance the budget immediately. If balancing the budget is the goal, we can reach it now by banking the ''common ground'' savings on which we all agree.

We ask you to return with us to the White House to resume budget negotiations with the Administration before the current continuing resolution expires next Friday, January 26. If you will agree to return to the table, reduce your tax cut, and adopt the ''common ground'' reductions to which we have all agreed, we can reach an agreement immediately. We can balance the budget in seven years—and provide America's families with tax relief—without eviscerating the programs on which their economic security depends.

Sincerely,

J. JAMES EXON,
TOM DASCHLE,
BYRON L. DORGAN.

Mr. DOMENICI. Mr. President, I note that the proposed balanced budget is in the unified budget manner using the Social Security trust funds in calculating the balance.

I just want to close by saying that we can go on with these arguments as long as we want. The truth of the matter is seniors should know that, if you can get a unified balanced budget by the year 2002 which helps the American economy grow, prosper, and which brings interest rates down, it is the best thing you can do for the Social Security trust fund. That is exactly what it needs.

There is no chance of success unless the American economy is growing and prospering. For that to happen you have to balance the unified budget. If you want to say 4 years after that you will balance without the use of the funds, fine. You put that on a line and show it.

I say to my friend, Senator HOLLINGS, that we are engaged now in trying to write some language for a balanced budget constitutionally which would put it in balance in the unified way by a certain time, and under the ideas that the Senator from South Carolina has, by 4 years later to try to put that in the constitutional amendment. We are working with the Senator and others. We hope to have it done very soon, at which point when it clears with the Senator from South Carolina and others, we will be glad to give it to the leadership to see what they want to do with it.

I thank the Senator for his comments. Even though they were not all directed to agreeing with me, we are working on the same wavelength.

I yield the floor and yield any time which I may have.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes twenty-one seconds.

Mr. DORGAN. Mr. President, let me use the remaining time.

I guess now we have heard the three stages of denial. Let me rephrase the three stages of denial.

One, there are no Social Security trust funds;

Two, if there are Social Security trust funds, we are not using them to balance the budget;

Or, three, if there are Social Security trust funds and we are using them to balance the budget, we will stop by the year 2006.

All three positions have been given us in response to our position on this floor—the three stages of denial.

I watched the debate on the floor of the House of Representatives the other night. A fellow had a chart, and he talked about the income tax burden by various groups of taxpayers. He said, you look at the folks at the bottom level here. They are not paying higher income taxes. We have not increased their income tax burden. He strutted around and talked about how wonderful that was. He did not say with his chart what had happened to those folks in the last decade with respect to payroll taxes. No, their income tax has not increased. Their payroll tax skyrocketed because this Congress increased the payroll tax, determined to want to save the payroll taxes in the trust fund and build that trust fund for the future.

That is why people are paying higher payroll taxes. In fact, this year, $71 billion more is collected in receipts in the Social Security system than will be paid out. The question is, What is that for? If there is no trust fund, what is that for? Did the Congress increase payroll taxes so they could take the most regressive form of taxation and say to people, By the way, we will use that to finance the Government? Is

that what they did? That would not have gotten one vote in the House nor the Senate, even by accident.

You all know it is wrong. There is not one person in here in a silent moment who would not admit that it is wrong to increase these payroll taxes and promise workers that you are going to take their money, put it in a trust fund and save it and say, ''By the way. It is either not here, or it is here and we are misusing it, or, by the way, if we are misusing it, we will stop in 2006.'' What on Earth kind of debate is that?

Let us decide what is wrong, and when we see what is wrong, let us fix it.

This sense-of-the-Senate resolution says there is a very serious problem. This problem is not a nickel and dime problem. It might be an inconvenience to some. But this problem is $600 billion to $700 billion in the next 7 years. This is big money. This has to do with the future of Social Security. This has to do with very important financial considerations in this Government.

My point is, let us balance the Federal budget. Yes; let us even put a requirement to do so in the Constitution. But let us not enshrine in the Constitution a provision that we ought to take money from workers in this country, promise them we will save it in a trust fund, and then misuse it by saying it becomes part of the operating revenue of this country.

I have heard all of the debate about what is wrong with what Senator HOLLINGS, I, Senator FORD, and others have said. I have not heard one piece of persuasive evidence that the payroll taxes are not being systematically misused when we promised that it would be saved in trust, and in fact they are used as an offset to other operating revenues to try to show a lower budget balance.

That is why I say to those who say that they produce a balanced budget, show us a document that shows even when they say it is in balance. It is $108 billion in deficit. But they say we will fix that because we will take the $108 billion out of Social Security and pledge to you it is in balance.

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor the amendment of the Senator from North Dakota.

The failure to formally segregate the Social Security trust funds is not the only reason I oppose the balanced budget amendment to the Constitution, but it is certainly one of the reasons.

Even if there were no other reasons, the assault on Social Security is reason enough to oppose the proposed constitutional amendment.

And make no mistake, Mr. President.

The unwillingness to formally exempt it from the proposed constitutional language is nothing less than an assault on Social Security.

The opponents of this exemption want those funds, pure and simple.

Mr. President, it is unlikely that we will hear a plain statement to that effect here on the floor.

Other reasons will be provided.

But the bottom line is that the opponents of exempting Social Security in a constitutional amendment want to be able to tap into Social Security revenues for the rest of Government.

To a certain extent, we already have that.

The so-called unified budget includes the Social Security surpluses with the on-budget deficit to reduce our apparent budget deficit.

I do not single out one party; both Democrats and Republicans have used that technique.

To date, it has been a bookkeeping maneuver.

But in a few years, when the Social Security Program begins to draw on the surpluses that have built up over the past several years, the free ride will stop, and many of the favorite spending programs of the advocates of the constitutional amendment will be at risk.

Programs which have been so successful in escaping the budget scalpel, including our bloated defense budget and the billions in wasteful spending done through the Tax Code, may finally be asked to justify themselves a little more carefully.

Mr. President, it is precisely that moment that those who oppose excluding Social Security from the constitutional amendment are anticipating.

I fear that many would prefer to put Social Security on the block rather than ask these other areas to bear their fair share of reducing the deficit.

Mr. President, some may argue that current law provides adequate protection for Social Security, or that if the balanced budget amendment is ratified, Social Security can be protected as part of implementing legislation.

We should recall, though, that many of those who make that argument also maintain that mere statutory mandates are insufficient to move Congress to do what it needs to do.

They argue that only constitutional authority is sufficient to engender the will necessary to reduce the deficit.

Using the reasoning of the supporters of the balanced budget amendment, the willpower needed to resist the temptation to raid the Social Security cookie jar can only come from a constitutional mandate.

Those who oppose giving this extra, constitutional protection for Social Security often suggest that there is no practical need for the protection because Social Security will compete very well with other programs.

Let me respond to that argument with two comments.

First, Social Security should not have to compete with anything.

As many have noted, it is a separate program with a dedicated funding source, intended to be self-funding.

Second, any assessment of the political potency of any particular program must be reappraised when we enter the brave new world of the balanced budget amendment.

One prominent Governor was reported as suggesting that areas many claim are untouchable should be subject to cuts.

Specifically including Social Security in that list, this Governor worried that

> Otherwise, the states are going to bear a disproportionate share. We're the ones who are going to have to raise taxes.

And in a moment of revealing honesty, another Governor argued that Social Security must be asked to shoulder the burden of reducing the deficit.

Reports quote him as saying that to take Social Security off the table, and then impose a burden on other spending systems is not going to be acceptable.

There can be no more revealing statement of intent by many of those who oppose constitutionally separating Social Security than this statement.

Given the growing support of State-based approaches to problems—a development I applaud—as well as the resurgent influence of States on Federal policy, how can anyone confidently predict that Social Security will remain untouched while we cut programs in which States have a significant interest.

Mr. President, Social Security is fiscally and politically a special program.

Apart from the fiscal problems of not excluding Social Security, the special political nature of the program makes it worthy of protection.

Social Security is singular as a public contract between the people of the United States and their elected government.

The elected government promised that if workers and their employers paid into the Social Security fund, they would be able to draw upon that fund when they retired.

But the singular nature of Social Security, and the special regard in which it is held by the public, does not flow from some transitory nostalgia.

Social Security has provided real help for millions of seniors.

According to the Kerrey-Danforth Bipartisan Entitlement Commission, the poverty rate for senior households is about 13 percent, but without Social Security, it could increase to as much as 50 percent.

For almost half of the senior households below the poverty line, Social Security provides at least 90 percent of total income.

For those seniors, and for millions of others, the Social Security contract is very real and vitally necessary.

Anything other than partitioning Social Security off from the rest of the budget risks a breach of that public contract.

Mr. President, some may try to characterize the proposed exemption for Social Security in a possible balanced budget amendment to the Constitution as pandering to senior citizens.

With that assertion is the implication that somehow there is something wrong with older Americans who want their Social Security benefits.

But, Mr. President, I do agree with those proponents of the balanced budget amendment who argue that no one will touch the benefits of today's retirees.

Today's retirees are not at risk if the balanced budget amendment passes without exempting Social Security.

However, there are three generations that are very much at risk.

The first is my own generation—the baby boomers.

If Congress has the ability to monkey around with Social Security benefits, under cover of a constitutional mandate, I can guarantee you there will not be anything left when the baby boomer generation reaches retirement age.

There are a lot of Americans in that generation, and they also have a right to the benefits that they paid for and were told they were going to get by participating in this system.

Mr. President, a second generation is very concerned about the future of Social Security.

They are young adults in their late twenties and early thirties—the so-called Generation X.

They are skeptical of there being any Social Security system on which to rely when they retire.

They see today's retirees, and the huge group of baby boomers ahead of them, and they are concerned that the system into which they are now paying will not be around when they need it.

Mr. President, there is a third generation—the generation of my children.

They do not understand all of this debate.

But some are aware of the big Federal deficit we have.

And some are coming to realize that as they graduate from high school and go into the work force, they will be the ultimate victims of our fiscal irresponsibility if we do not protect Social Security.

For those three generations, the future health of the Social Security system is a real concern.

One of the most important results of the Kerrey-Danforth Entitlement Commission was to highlight this issue, and as I have mentioned on other occasions, I for one am willing to consider some of the proposals put forward by that commission to help ensure the long-term health of Social Security.

Mr. President, if we are ever to address the long-term solvency of Social Security in an honest way, especially in the context of a constitutional balanced budget requirement, keeping Social Security separate is vital.

Just as a Social Security system that is enmeshed in the rest of the Federal budget poses a temptation when the system is in surplus, so too will it become an enormous drain on resources if it starts to compete for general revenue.

Providing a constitutional partition will serve both to protect Social Security, and to highlight the need for long-term reform.

Mr. President, those who advocate a balanced budget amendment to our Constitution frequently argue that it is needed if we are to protect our children and grandchildren.

How ironic if in the name of helping those children and grandchildren we deny them the protection of Social Security.

We risk taking away the same rights and protections that so many of us hope to enjoy.

Mr. DORGAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3672, as modified.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment of the Senator from Wyoming, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire [Mr. SMITH] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—92

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Ford	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Moynihan
Breaux	Grams	Murkowski
Brown	Grassley	Murray
Bryan	Gregg	Nickles
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Snowe
D'Amato	Kennedy	Specter
Daschle	Kerrey	Stevens
DeWine	Kerry	Thomas
Dodd	Kohl	Thurmond
Dole	Kyl	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Exon	Levin	

NAYS—6

Bradley	Nunn	Robb
Hatfield	Pell	Thompson

NOT VOTING—2

Heflin	Smith

So, the amendment (No. 3672), as modified, was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3667, AS MODIFIED

The PRESIDING OFFICER. The business is now amendment No. 3667.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

Mr. DOLE. Mr. President, I make a motion to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Dorgan amendment No. 3667, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—57

Abraham	Gorton	McConnell
Ashcroft	Gramm	Moseley-Braun
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Robb
Campbell	Hatfield	Rockefeller
Chafee	Helms	Roth
Coats	Hutchison	Santorum
Cochran	Inhofe	Shelby
Cohen	Jeffords	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Snowe
D'Amato	Kohl	Specter
DeWine	Kyl	Stevens
Dole	Lott	Thomas
Domenici	Lugar	Thompson
Faircloth	Mack	Thurmond
Frist	McCain	Warner

NAYS—42

Akaka	Exon	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Conrad	Johnston	Reid
Daschle	Kennedy	Sarbanes
Dodd	Kerrey	Wellstone
Dorgan	Kerry	Wyden

NOT VOTING—1

Smith	#

The motion to lay on the table the amendment (No. 3667), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, I have a unanimous-consent request, Mr. President.

I have 10 unanimous-consent requests for committees to meet during today's session of the Senate. They all have the approval of the Democratic leader. I ask that these requests be agreed to, en bloc, and that each request be printed in the RECORD.

Mr. KENNEDY. Reserving the right to object, Mr. President. We have done this a number of times now. This changes the process and procedure where we had the opportunity, if consent was going to be asked for, to object to when the Senate was going to be considering business. Now we are in the situation where at the end of the day, we ask unanimous consent that they would have sat during the course of the day.

I understand now that this was in order for earlier today. But I want to make it very clear that I raised this at an earlier time. If the Senate does not get the clearance, the chairmen pay the bills. That is a good order for why we require this to be done beforehand, whether it is our side or their side. I just want to make sure. We are dealing with a lot of very important legislation as we are going on. I have not objected to committee meetings. But I want to make it very clear that we are going to preserve that institutional right where overriding other ones that will be addressed as well. But we are not going to get into a situation where we are clearing at the end of the day, whether it is on our side or theirs.

I will not object at this time. I want to make it very clear that the next time it comes across, I reserve that right to object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3734 TO AMENDMENT NO. 3725

(Purpose: To provide for an increase in the minimum wage rate)

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3734.

At the appropriate place add the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order and that I be able to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. KENNEDY. Mr. President, there had been an understanding which I had not been aware of by the two leaders on the particular matters which they had intended to address. To comply with their agreement, I withdraw that amendment at this time. But we want to indicate to all of the Members that if there is not an opening that presents itself, this Senator intends to press forward with that measure. Obviously, I will comply with any of the agreements that are made by our leaders.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Mr. President, let me reiterate the desire addressed just now by the senior Senator from Massachusetts. I had indicated to the majority leader that it was not our desire tonight to bring up minimum wage in an effort to expedite some of these other immigration-related amendments. We have that understanding.

It may be that we do not have a colleague here tonight to offer the amendments that I anticipated at least on our side. But that was my intention.

I want to emphasize, as well, what the Senator from Massachusetts has said so ably. It is our desire to continue to press for a minimum wage amendment and a vote. We will not do it tonight—not under these circumstances. But it is our desire to continue to find a way with which to get an up-or-down vote. We want it sooner rather than later. Let us hope we can do it sometime very soon. But with the understanding that I had with the majority leader, tonight we certainly want to accommodate our colleagues providing an opportunity to offer other amendments. We are prepared to do that tonight.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I appreciate those remarks by the distinguished Democratic leader. I did understand that agreement had been reached with the leader. I appreciate the minority leader coming back out and clarifying the situation—that we would go forward with some amendments tonight related to the immigration bill which is pending. I think we have at least one Senator who is ready to offer an amendment, and maybe others that relate to the immigration bill. So we are prepared to go forward.

Mr. KYL addressed the Chair.

Mr. SIMPSON. Mr. President, let me assure colleagues, too, as Senator KENNEDY has assured, that there will be no amendment with regard to minimum wage, there will be no amendment tonight of mine with regard to the issue of numbers and legal immigration as expressed by the majority commission. The issue will come up tomorrow. But if we can take amendments tonight while there are still some of us here, we are prepared to do that. I know the Senator from Massachusetts has another obligation. But perhaps Senator Kyl could deal with his amendment, I believe on immunization.

Is this correct?

Mr. KYL. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3735 TO AMENDMENT NO. 3725

Mr. KYL. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3735 to amendment numbered 3725.

Mr. KYL. Mr. President, 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 end of the amendment add the following: Notwithstanding any other provision in this act, section 154 shall read as follows:

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows;

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 34. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection(a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

Mr. KYL. Mr. President, this is an amendment which we offered in the subcommittee which Senator KENNEDY and I worked on, and I believe that we have reached an agreement on this matter of immunization.

I note that I have two other amendments. But I think Senator KENNEDY would have an interest in both of them. So if he is going to have to leave, I will defer offering those amendments until he has an opportunity to be here.

Might I inquire of Senator KENNEDY? After we do the immunization amendment, it is my intention to offer two other amendments. But I believe the Senator from Massachusetts would have an interest in both of them. Would he prefer that we offer those tomorrow?

Mr. KENNEDY. The Senator is very kind. I was going to be absent for a short while. Senator SIMON is coming, and then I was coming back at 8:30 so we can continue through it. I think we have worked this out.

I appreciate the cooperative efforts of the Senator from Arizona. These are issues involving immunization, legitimacy of immunization, and public health matters related thereto. We have worked out those measures.

I think really the problem was because of lack of proper immunization, and we wanted to address that particular question. We have worked out an accommodation on that program. We are hopeful that we would get acceptance of this amendment, but if the Senator wanted to proceed, I believe, on the others, if I could just go over them, review them quickly, I will be in touch.

Mr. KYL. I will be very brief in describing this amendment, and we can lay it aside.

The next one that I would propose to offer relates to public housing and the qualification for being able to receive public housing. That one there may be some difference of opinion on because the Department of Housing and Urban Development agrees with all of the amendment except they would prefer a 6-month rather than 3-month qualification period. My amendment tracks the House of Representatives, specifically the amendment which was adopted there as part of the managers' amendment and provided for a 3-month qualification period.

Perhaps, as I am describing in more detail the immunization amendment, the Senator or his staff would determine how they want to proceed.

Very briefly, this immunization amendment, which was tentatively approved in the Immigration Subcommittee, simply requires that an individual applying for permanent residency status must be immunized for vaccine-preventable diseases.

To give you an idea of what it would require, before a visa is approved, an individual applying for permanent residency status must receive a vaccination assessment or be vaccinated against measles and polio for those under 5 years of age and any other vaccination determined necessary by Health and Human Services before they arrive in the United States.

Aliens who have not received the entire series of vaccinations as recommended by the Advisory Committee on Immunization Practices—and this includes a list of about 10 different particular diseases—would be required to return within 30 days of entry to the United States to a civil surgeon to receive these vaccinations. Mumps is actually required before entry into the United States.

To recover costs of establishing and administering the civil surgeon and panel physician programs, the Attorney General would be required to impose a fee on aliens applying for permanent resident status.

Currently, when any of the approximately 800,000 legal immigrants arrive annually in the United States, they are not required to be immunized against vaccine-preventable diseases. This amendment will help ensure that immigrants receive the recommended immunizations.

It should not present a financial difficulty for the immigrant. The estimated cost for all childhood vaccines is estimated to be $248.

The Department of Health and Human Services has made immunization of the U.S. population a top priority and by the year 2000 hopes to eradicate or reduce infinitely vaccine-preventable diseases.

So, Mr. President, this amendment is needed to prevent the spread of these

diseases. I believe it has the support of everyone.

Unless there is further discussion on this, I would inquire of the Senator from Wyoming what procedure he would like to follow with respect to moving on to additional amendments and call for votes since I doubt that this would need a vote.

Mr. SIMPSON. Mr. President, it would be a wonderful opportunity to do something, but I will not. Senator KENNEDY is absent from the Chamber.

I understand that Senator SIMON will be here to deal with the issues that might arise if we can do some further business. But I believe, if I heard what transpired, we might adopt the amendment, and we will then have a quorum call until a Member of the Democratic Party is here.

Mr. KYL. I thank the Senator.

Mr. President I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. KYL. I will not call for the yeas and nays.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3735) was agreed to.

Mr. SIMPSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOLE. Mr. President, I ask unanimous consent to speak as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

THE APPROPRIATIONS PROCESS WORKS

Mr. DOLE. Mr. President, late this afternoon the conference committee on the five major appropriations bills had a breakthrough and reached an agreement. I want to reinforce what has been said by other Members of leadership and by Chairman HATFIELD, Chairman LIVINGSTON on the House side, and their Democratic counterparts.

In my view, after a long, long difficult process, I believe we have a package that can be supported by hopefully nearly everybody on both sides of the aisle. Some will complain the cuts are not deep enough. Others are going to complain the cuts go too far. But I believe that in the final analysis we will save about $23 billion over the last fiscal year through the appropriations process. That is very significant. That is a lot of money.

That is an indication that the appropriations process has worked and we can make reductions, the Government can continue even though we make reductions. Many of us hoped we could do better.

There are also a number of environmental issues that were resolved to the satisfaction, I believe, of most everyone in the conference. Some will be raised again on subsequent appropriations bills. But I wanted to take a moment to thank all those who were involved in the negotiations and all those who were willing to give and take so that this matter could be resolved and get it behind us.

It is time to move on to 1997 appropriations. We look forward to that. We hope we can pass all the appropriations bills by August 1 of this year. So keep in mind, we will take this up tomorrow. The House will act first. We hope to dispose of it before we go out tomorrow evening. We need to dispose of it before we go out tomorrow evening. But the bottom line is, according to those who have been keeping track of the numbers, we will save $23 billion this fiscal year because of the appropriators and the appropriations process and their good work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 3737 TO AMENDMENT NO. 3725

(Purpose: To establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed)

Mr. COVERDELL. Mr. President, I send a second-degree amendment to the pending amendment to the desk on behalf of the majority leader and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] for himself and Mr. DOLE proposes an amendment numbered 3737 to amendment 3725.

Mr. COVERDELL. Mr. President, I ask unanimous-consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. . EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the Act.

Mr. COVERDELL. Mr. President, aliens are deportable for criminal offenses under section 241(a)(2) under four broad headings: General crime, controlled substances, certain firearm offenses, and miscellaneous crimes. This proposed amendment to S. 1664 creates two new headings: Domestic violence, violation of a protection order, crimes against children, and stalking. The other heading, crimes of sexual violence.

We are adding as offenses for grounds for deportation, the following offenses: Conviction of a crime of domestic violence; violation of a judicial protection order in a domestic violence context; conviction for stalking; conviction for child abuse, child sexual abuse, child negligence, or child abandonment; conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence.

Mr. President, while some of these offenses may be deportable under existing headings of crimes of moral turpitude or aggravated felony, they are not necessarily covered. Uniformity is also a problem. Whether a crime is one of

moral turpitude is a question of State law and thus varies from State to State. An offense may be deportable in one State and not deportable in another. Misdemeanor offenses would not be covered under existing law.

Mr. President, under our amendment, stalkers would be deportable on their first offense. The second offense may be too late for their victims, who could well be injured or dead as a result.

Mr. President, it is estimated that over 200,000 women are stalked each year in the United States. Approximately 5 percent of all women will be stalked at some time in their lives. Investigations by State child protective service agencies in 48 States determined that 1.12 million children were victims of child abuse and negligence in 1994. This represents a 27 percent increase since 1990 when approximately 800,000 children were found to be victims of maltreatment.

Among the children, Mr. President, for whom maltreatment was substantiated or indicated in 1994, 53 percent suffered negligence, 26 percent physical abuse, 14 percent sexual abuse, 5 percent emotional abuse, and 3 percent medical negligence.

Mr. President, this is a good amendment. Mr. President, this will protect women and children in our society. As I said, it will have a very positive affect on the ability to deport an alien involved with these offenses that we are adding through these two new headings.

I yield the floor.

Mr. DOLE. Mr. President, under Title 8 of the U.S. Code, a number of criminal offenses are deemed deportable offenses. However, although aliens are deportable for criminal offenses, there are a number of crimes that should be grounds for deportation that are left unaddressed; and the wording of the statute itself uses vague language like crimes of moral turpitude that lack the certainty we should desire.

The amendment offered by Senator COVERDELL and myself seeks to remedy this problem by making clear that our society will not tolerate crimes against women and children. The criminal law should be a reflection of the best of our values, and it is important that we not only send a message that we will protect our citizens against these assaults, but that we back it up as well.

Under our amendment, certain criminal offenses would be grounds for deportation. These offenses include: conviction of a crime of domestic violence; violation of a judicial protection order in a domestic violence context; conviction for stalking; conviction for child abuse, child sexual abuse, child neglect, or child abandonment, and conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence.

CRIMES OF DOMESTIC VIOLENCE

Adding these additional and specified categories of offenses closes the existing loopholes. Many crimes, ranging from simple assault to murder can be committed in a domestic violence context. Simple assault or assault and battery are not necessarily going to be interpreted as crimes of moral turpitude. Yet, because they may not otherwise fall within the other definitions—such as an aggravated felony—of deportable offenses, an alien convicted of such a crime might not be deported.

Our amendment would cover all convictions for domestic violence offenses, including those for which a sentence of less than 1 year is available.

VIOLATION OF A PROTECTIVE ORDER

In many States, protective orders in domestic violence situations have been ineffective due to problems with enforceability and insufficient penalties for violations. This is undoubtedly one reason all 50 States have passed anti-stalking legislation.

Greater attention to the problem has influenced a number of States to make violation of a protective order a separate criminal offense. However, making violation of a protective order a grounds for deportation will put more teeth into such an order.

The amendment does not require a conviction of violating protection order and thus would cover violations even in States where violating an order is not a separate criminal offense. This is an important loophole that must be closed.

STALKING

It is long past time to stop the vicious act of stalking in our country. We cannot prevent in every case the often justified fear that too often haunts our citizens. But we can make sure that any alien that commits such an act we no longer remain within our borders.

It is estimated that over 200,000 women are stalked each year in the United States. Approximately 5 percent of all women will be stalked at some point in their lives. Stalking behavior often leads to violence which may result in the serious injury or death of stalking victims.

Stalkers often repeat their stalking behavior and escalate to violence. Of all the women killed in the United States by husbands or boyfriends, 90 percent were stalked before being murdered.

But since stalking laws are fairly new, they may not be defined as crimes of moral turpitude in many States—they thus may not be covered by existing law. Similarly, in many States, the maximum penalty for stalking is less than 1 year—which strikes me as far too little—and therefore an alien may be convicted of a stalking offense and yet not be deported.

We can't wait for stalkers to strike a second time. Let's deport them the first time.

Mr. President, we face the same kinds of problems with existing law when we confront other crimes against women and children. While some of these offenses may be deportable under the existing headings of crimes of moral turpitude or aggravated felony, they are not necessarily and always covered. They should be.

Uniformity is also a problem. Whether a crime is one of moral turpitude is a question of State law and thus varies from State to State. An offense may be deportable in one State and not deportable in another.

Mr. President, America already bears a horrendous burden when it comes to the level of violence among our citizens. It is not asking too much that we insist that we treat crimes against women and children as seriously as we do other offenses. Nor should we have to wait for that last violent act. When someone is an alien and has already shown a predisposition toward violence against women and children, we should get rid of them the first time. We owe that much to our citizens.

Mr. SIMON. Mr. President, I was just shown this amendment a few minutes ago by Senator COVERDELL and Senator DOLE. I have every reason to believe that we can work out, if not this specific language, some modification to do this. I commend my colleague from Georgia for the amendment.

I ask, and we have an understanding on this, I ask unanimous consent that it be set aside until tomorrow.

Mr. COVERDELL. Mr. President, I also acknowledge that the Senator from Illinois has only had a brief moment to scan the outline of the amendment. We understand that and have agreed to set it aside so there is a more appropriate period of time for his side to view the contents of the amendment.

The PRESIDING OFFICER. The amendment is laid aside.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

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

YANKEE FOUNDATION

Mr. PRESSLER. Mr. President, on April 10, 1996, the New York Yankees baseball organization held its annual homecoming dinner. This year's dinner raised money for the Yankee Foundation, and paid special tribute to one of the Yankees' and indeed one of pro baseball's great players, the late Mickey Mantle. Former and current Yankees along with their friends and family will be on hand.

The Yankee Foundation raises money for youth programs and youth organizations throughout the Greater New York City area. The Yankees' principal owner George Steinbrenner presented the traditional ''Pride of the Yankees'' award to Mr. James M. Benson, president and chief operating officer of the Equitable Life Insurance Society. Mr. Benson received this honor

for his tireless work on behalf of the numerous philanthropic causes the Yankees are involved in.

Mr. William Denis Fugazy of Fugazy International also deserves mention. I know Bill Fugazy. He has been the general chairman of this dinner since its inception. Through Bill Fugazy's leadership, many young people have been given a chance to participate in some of the youth programs supported by the Yankees. The opportunity to participate in these programs helps young people develop skills which they can carry with them always. It is good to see sports franchises like the New York Yankees offer their communities more than just baseball games, and associate themselves with quality people like Bill Fugazy.

This year's dinner also honored the late great Mickey Mantle. All of us know of his well chronicled, storied career. Many of us followed his achievements on the field when we were kids. From his exciting rookie year through his triple crown, and MVP years, all of the World Series in which he participated, to his election to the Baseball Hall of Fame, Mantle provided many exciting memories for young and old fans alike. Few would disagree that he will remain the Pride of the Yankees, and all of baseball.

THE ARMENIAN GENOCIDE

Mr. BIDEN. Mr. President, I rise to pay tribute to the victims of the Armenian genocide, the first such crime against a people in the 20th century.

On April 24, 1915, 81 years ago today, the Ottoman Turkish Empire began the systematic rounding up and slaughter of Armenian intellectuals, clergy, businessmen, and other leaders of the community. Ultimately the horror claimed 1½ million lives and resulted in the exile of Armenians from much of their historic homeland in Asia Minor.

I like to think that some good can come from even the most horrifying evil. In this case a large segment of the Armenian diaspora, banished from its ancestral home, reached these shores. They and their descendents have immeasurably enriched the United States of America. In remembering the martyrdom of their fellow Armenians eight decades ago, we are also paying tribute to Armenian-Americans—to their patriotism, and to their many contributions to this land of freedom.

Mr. President, unfortunately there are some who would trivialize the Armenian genocide or even attempt to deny that it ever took place, just as there remain a twisted few who continue to deny the Holocaust that claimed 6 million Jews.

But, Mr. President, there is no denying the undeniable. The Armenians in the Ottoman Empire were not murdered because they were talented businessmen. They were not butchered because their community produced outstanding intellectuals. They were not slaughtered for any socioeconomic reason, however perverted. No, the Armenians were murdered because they were Armenians. This Mr. President, was genocide.

Unfortunately, genocide is a recurring fact of the 20th century. Fifteen years after the Armenian genocide occurred, Stalin began his insane collectivization that decimated the Ukrainian people.

I have already mentioned the Nazis' extermination of 6 million Jews in the Holocaust.

The 1970's witnessed Cambodia's killing fields where a significant proportion of the Khmer people perished.

The 1990's have seen the mass murder of Tutsis in Rwanda and the unspeakable horrors perpetrated upon Bosnian Muslims, cynically given the euphemism, ethnic cleansing.

Mr. President, we must endeavor to ensure that these vile deeds are never repeated yet another time. The first step in that process is to ensure that the memory of genocide is kept alive so that the truth will prevail over the purveyors of historical lies. The Holocaust memorial Museum here in Washington is serving a vital function in that regard.

Similarly, the proposed Armenian Genocide Memorial Museum of America promises to be an important vehicle for preserving and disseminating the truth.

On this solemn day of remembrance, I join millions of other Americans in commemorating the martyrdom of the Armenians and praying that their eternal sacrifice shall not have been in vain.

''LEGISLATING THE REVOLUTION''—HISTORY OF THE 104TH CONGRESS' FIRST 100 DAYS

Mr. PRESSLER. Mr. President, having written two books myself, I appreciate the great time and energy involved in preparing, researching, and writing a book, especially one recounting a complex series of historical events. As an enthusiast and lifelong student of history, I am pleased to bring to my colleagues' attention ''Legislating the Revolution,'' by James G. Gimpel. Jim is a native of western South Dakota. His thorough recounting of the Contract With America during the first 100 days of this Congress so impressed me that I hope my colleagues will take the opportunity to read it.

The book is fair, factual, and comprehensive. Appealing to a spectrum of readers ranging from the social scientist to the concerned citizen, Jim's book already is being used in college classrooms across the country as a resource and reference book. After countless interviews with Members of Congress, congressional staff, interest group representatives, pollsters and party leadership, the product is a detailed, thoughtful chronological record of the events which shaped the so-called Contract With America. The book examines the many individuals who, behind the scenes, created the Contract itself and the campaign that played such a significant part in the Republican takeover of Congress in November 1994. The first 100 days of the 104th Congress may have been history in the making, but the period prior to the Contract With America was a new and equally historic era. Republicans had not controlled both Houses of Congress simultaneously for more than 40 years. The late House Speaker Tip O'Neil coined the famous phrase, ''All politics is local.'' The Contract With America challenged that notion by nationalizing the congressional elections and unifying the Republican Party around common goals.

Jim Gimpel's examination of Republican and Democratic National Committee fundraising and campaigning, party and committee leadership, Southern Democratic influence and the mass electoral revolution, presents readers with a cornucopia of information and an understanding of the historic scope of the 1994 Congressional Revolution. He offers an overview of the efforts to pass the Contract in Congress, examining voting records and providing political analysis. The detailed accounts of the voting and the behind-the-scenes efforts made on both sides of the aisle paint a dramatic picture of the grueling give-and-take that produced unprecedented legislation. Through a series of theory testing, graphical representation, voting distributions, and the Perot factor, Gimpel thoroughly explains the background and the planks of the Contract With America, and forecasts the implications of these efforts on future elections and legislation.

Although Jim Gimpel covers each plank in the Contract with America, I would like to highlight several areas of personal interest, first, the Fiscal Responsibility Act and second, the Personal Responsibility Act. Jim's analysis of the balanced budget amendment and term limits—the Fiscal Responsibility Act—was outstanding. Jim offers a truly compelling and easy to grasp explanation of the importance of a balanced budget for the United States. As more and more Americans are beginning to realize, if the Federal Government continues to spend beyond our means, more and more of our taxes must finance debt repayment, instead of important programs such as agriculture, education, Social Security, and veterans programs. Jim brings this vital point home clearly and effectively.

He is equally clear and effective in his coverage of the welfare reform debate. As we all know, the original intent of the welfare system was to provide a simple safety net for the needy. The reality is the opposite: The current system acts as a harness holding down the recipients from taking personal responsibility for their own lives. Jim's tracking of the history, legislation, debates, and votes that produced the

House welfare reform bill—Personal Responsibility Act—is precise and accurate. I know my constituents would find this chapter of particular interest, if not shocking. South Dakotans work hard every day to provide for their families without Government assistance. They pride themselves on hard work, but as the book points out, the failed welfare system promotes costly dependency. Jim offers more than just a legislative history of this sensitive issue. He demonstrates the basic social need that requires Congress to act on this problem.

The importance of history cannot adequately be underscored. History—the understanding of history—is our map of not only our past, but also our future. ''Legislating the Revolution'' is a compelling map of an exciting past and an extraordinary future for policymakers and voters. It is a must read for every American.

ARMENIAN GENOCIDE

Mr. PRESSLER. Mr. President, today, I join with many of our colleagues in commemorating the 81st anniversary of the Armenian genocide. Today marks the exact day when 200 of the Armenia's academic, political, and religious leaders were taken from the city of Istanbul in 1915. The ability of Armenians to free themselves from the Ottoman Empire rested heavily on the plans and ideas of those who vanished. It was an ominous beginning to one of this century's darkest tragedies. This Senate should recognize and all Americans should remember, what occurred over there 81 years ago. That is why I stand here with my colleagues to urge an accurate remembrance of the past, of those who were slain by the Ottoman Turks, and plead that such hateful crimes against humanity never happen again. We stand in honor of those who were unable to take a stand 81 years ago today. We must try to heal the wounds of the past by remembering and recording the historical truths.

The Ottoman Empire's actions—deliberate, planned, and deceitful actions—against the Armenian people should be remembered for what it actually was—genocide. The Armenian genocide was a hateful act whose objective was focused on the systematic annihilation of a people, their heritage, their culture, their identity, and their future. It is unfortunate that in recent years historians and politicians alike have tried to soften the terms used to describe this heinous crime against humanity. What occurred involves deportation, slavery, the loss of basic human rights, and wholesale murder—all targeted deliberately and methodically against one ethnic group. The record is clear. Genocide is genocide. To shy away from recognizing the Armenian genocide is to ignore and deny the historic truth, and that would put at risk the harsh lessons that must be learned if we are to avoid repeating that tragic history. The Armenians remember, but all must recognize and embrace the past, painful as it may be. It is said that the bitter pills of the past are the better tonics of a brighter future.

About 600,000 Americans who consider themselves to be Armenians live in the United States. Many are survivors of the genocide, or are the children of survivors. About 1.5 million Armenians were killed or died during the mass deportation which began in 1915 and continued for many years. Two-thirds of all Armenians in Turkey were killed. In the region of Anatolia and western Armenia, the entire community of Armenians was extinguished or deported.

It has been 81 years since that awful tragedy. Turkey has not apologized to the Armenians. That is unfortunate.

Armenians are a strong, resilient people, struggling to heal the wounds of the past. But the wounds cannot be sealed until the story is complete. Until the Armenian genocide is officially acknowledged, the wounds will remain unhealed and the lessons will not be firmly learned. We do not deny the brutal nature of the Holocaust to the Jewish-American community. We are coming to grips with the severe violence against the people of Bosnia. We should not deny the Armenian people a similar place in history. To do so would dishonor ourselves, and spoil accurate understanding of the past. It is in the best interest of the American people and the entire global community to remember the past accurately. That is why we commemorate and honor those who were affected by the Armenian genocide.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 23, 1996, the Federal debt stood at $5,106,372,425,943.99.

On a per capita basis, every man, woman, and child in America owes $19,291.37 as his or her share of that debt.

81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DOLE. Mr. President, today marks the 81st anniversary of the Armenian Genocide. As Armenians gather worldwide today to commemorate the anniversary, I rise to pay tribute to the victims of this tragedy. Although some still refuse to recognize historical fact, there should be no doubt that the Armenian people suffered the first genocide of the modern age.

As many of my colleagues know, between the years 1915–23, 1.5 million Armenians were subjected to systematic extermination through a policy of deportation, torture, starvation, and massacre. At the time, the world recognized that the Ottoman Empire had committed a crime against humanity, though the term ''genocide'' would not be coined until years later. The United States condemned the brutal treatment of the Armenians. The United States rendered humanitarian assistance to many of the survivors in the largest relief effort every organized by this country. Yet even with all the facts that we have before us, most of which have been compiled by U.S. sources, some still refuse to acknowledge that there was a genocide.

Most of us are willing to look history in the eye and see the danger of closing our eyes and hearts to the truth of the tragedy which took place. We will not cease in our efforts to remember what happened. This year, along with 25 of my colleagues, I signed a bipartisan letter urging the President to use the word ''genocide'' in his statement commemorating the anniversary. Mr. President, while nearly every other nation recognizes the Genocide, one nation still insists that the Genocide never happened—the Government of Turkey. As I have stated in the past, no responsibility for the history of the Genocide rests with either the Turkish people or their modern-day government. The Ottoman Empire, which committed the Genocide against the Armenians, has not existed since October 19, 1923. As Operation Desert Storm again demonstrated, Turkey is an important friend and partner to the United States, and we highly value our friendship with the Turkish Government and people. That friendship would not suffer from, and in fact, would be strengthened, by recognizing the fact of the Armenian Genocide.

At a time when the world is beset by problems, including acts of genocide, the United States cannot fail to send a unified message. Only by issuing a clear statement on genocide can the United States convey to the world our Nation's resolve and determination to prevent such crimes from recurring. We cannot allow history to dictate the future, but neither can we forget history nor turn our backs on the truth. On this 81st anniversary of the Armenian Genocide, let all of us as Americans, even as we remember the tragic events of the past, rededicate ourselves to making sure it never happens again. Finally, I would add that President Clinton has just issued his statement commemorating the anniversary of the Genocide. It is unfortunate that unlike his statement in 1992, this year's statement does not use the historically correct word of ''genocide'' to describe what happened to the Armenian people from 1915 to 1923.

Mr. President, I ask unanimous consent that our letter to the President be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, April 23, 1996.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: This year marks the 81st anniversary of the Armenian Genocide. Armenian-Americans throughout the United States and the world will be commemorating this event on April 24th.

As you know, the Armenian people of the Ottoman Empire were subjected to a ruthless, systematic and well-organized policy of deportation, confiscation of property, slave labor, denial of basic rights and, ultimately, murder. It is estimated that a million and a half Armenians eventually perished. The world recognized at the time that a crime against humanity had been committed. The United States condemned the brutal treatment of the Armenians and rendered humanitarian assistance to many of the survivors in the largest relief effort ever organized by this country.

This year, in a bi-partisan initiative, members of Congress will again call on you to reaffirm the Armenian Genocide as a crime against humanity. We believe there is a difference between using the word ''massacres'', rather than the word ''genocide'', to describe the systematic annihilation of 1.5 million Armenians. This is a distinction between a random series of atrocities and a methodical, ethnically-based policy of extermination. The historical record—much of it compiled from American sources—clearly indicates that the latter description reflects the truth.

Mr. President, the survivors and their descendants, who now number one million Americans, have not forgotten the Armenian Genocide. We again ask you to issue a clear and unambiguous statement reaffirming the Armenian Genocide as a crime against humanity.

At a time when the world is beset by problems, including acts of genocide, the United States cannot fail to send a unified message that can prevent future acts of inhumanity. Only by issuing such a statement can the United States convey to the world our nation's resolve and determination to prevent such crimes from recurring.

Sincerely,

Bob Dole, Olympia Snowe, Nancy Landon Kassebaum, Larry Pressler, Chuck Robb, Mike DeWine, Jesse Helms, Alfonse D'Amato, John Ashcroft, Frank R. Lautenberg, Joe Lieberman, Ted Kennedy, Daniel Patrick Moynihan, Barbara Boxer, John F. Kerry, Claiborne Pell, Carl Levin, ———, Mark O. Hatfield, Bill Bradley, Spencer Abraham, Herbert Kohl, Dianne Feinstein, Paul Sarbanes, Carol Moseley-Braun, John Glenn.

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1772. An act to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex.

H.R. 1836. An act to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

H.R. 2024. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purpose.

H.R. 2160. An act to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 and the Anadromous Fish Conservation Act.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

H.R. 2679. An act to revise the boundary of the North Platte National Wildlife Refuge.

H.R. 3049. An act to amend section 1505 of the Higher Education Amendment of 1986 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

ENROLLED BILL SIGNED

The following enrolled bill was signed by the President pro tempore [Mr. THURMOND].

S. 735. An act to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate.

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 55. Concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 6 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1772. An act to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex; to the Committee on Environment and Public Works.

H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 2679. An act to revise the boundary of the North Platte National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 3049. An act to amend section 1505 of the Higher Education Act of 1965 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development; to the Committee on Labor and Human Resources.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1836. An act to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2937. An act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 24, 1996, he had presented to the President of the United States, the following enrolled bill.

S. 735. An act to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2295. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Review of the Financial and Administrative Activities of the Boxing and Wrestling Commission for Fiscal Year 1995''; to the Committee on Governmental Affairs.

EC–2296. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report entitled ''Final Allocations of the District of Columbia's Fiscal Year 1996 Budget''; to the Committee on Governmental Affairs.

EC–2297. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2298. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report for calendar years 1994 and 1995; to the Committee on Governmental Affairs.

EC–2299. A communication from the Director of the Executive Office of the President, Office of Management and Budget, transmitting, a draft of proposed legislation entitled ''The Statistical Confidentiality Act''; to the Committee on Governmental Affairs.

EC–2300. A communication from the Director of the Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, the report under the Computer Matching and Privacy Protection Act for calendar years 1992 and 1993; to the Committee on Governmental Affairs.

EC–2301. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2302. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the report under the Chief Financial Officers Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2303. A communication from the U.S. Commissioner of the Delaware River Basin Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2304. A communication from the U.S. Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2305. A communication from the Executive Director of the Japan-U.S. Friendship Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2306. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2307. A communication from the Chair of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2308. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the annual reports of federal pension plans for calendar year 1995; to the Committee on Governmental Affairs.

EC–2309. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Chief Financial Officers Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2310. A communication from the Office of Special Counsel, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2311. A communication from the Director of the Institute of Museum Services, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2312. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2313. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for February 1996; to the Committee on Governmental Affairs.

EC–2314. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2315. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of proposed regulations; to the Committee on Rules and Administration.

EC–2316. A communication from the Director of Audit Oversight and Liaison, General Accounting Office, transmitting, pursuant to law, the report of the audit of the U.S. Government Printing Office's financial statements for fiscal year 1995; to the Committee on Rules and Administration.

EC–2317. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislation within five days of enactment; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. DORGAN):

S. 1697. A bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 1698. A bill entitled the ''Health Insurance Reform Act of 1996''; read the first time.

By Mr. BINGAMAN:

S. 1699. A bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. HARKIN, Mr. REID, and Mr. D'AMATO):

S. 1700. A bill to reduce interstate street gang and organized crime activity, and for other purposes; to the Committee on the Judiciary.

By Mr. PELL:

S. 1701. A bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, and Mr. SHELBY):

S. Res. 250. A resolution expressing the sense of the Senate regarding tactile currency for the blind and visually impaired; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT:

S. Con. Res. 54. A concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes; considered and agreed to.

S. Con. Res. 55. A concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. DOLE, Mr. HELMS, Mr. PELL, and Mr. LEVIN):

S. Con. Res. 56. A concurrent resolution recognizing the tenth anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DASCHLE and Mr. DORGAN):

S. 1697. A bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete; to the Committee on Governmental Affairs.

THE INDEPENDENT COUNSEL AMENDMENT ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise to introduce legislation on behalf of the distinguished Minority leader and myself that amends the independent counsel statute.

In my opinion recent events have made clear that Congress should review the statute providing for the appointment of an independent counsel. The specific problem that concerns me, and which my bill will address, is the perception that an independent counsel who continues to practice law and represent clients while serving as independent counsel opens himself or herself to charges of conflict of interest resulting from continued representation of private clients.

The bill I am introducing today amends the independent counsel statute to eliminate the possibility that such a conflict of interest will arise by requiring that, upon assuming the duties of independent counsel, an attorney refrain from representing clients until her duties as independent counsel have been completed. Additionally, my bill requires that the independent counsel not receive any compensation for affiliating with or being employed by an entity that provides professional legal services during the time of their service as independent counsel.

This bill would not apply to the current independent counsel investigating the Whitewater matter. It would only apply to independent counsels appointed after the effective date of this legislation.

Mr. President, as my friend and colleague from Arkansas, Senator PRYOR pointed out yesterday, the Washington Post reported that the current independent counsel, Mr. Starr, has retained the services of Sam Dash, former chief counsel to the Senate Watergate Committee and a noted scholar on issues relating to legal ethics to advise Mr. Starr on matters stemming from his continued affiliation with his law firm and continued representation of clients.

Setting aside for a moment the fact that Mr. Starr has seen fit to retain Mr. Dash on a part-time basis at a cost to the taxpayers of over $166,000, it strikes many as a little odd, Mr. President, that an independent counsel has for the first time hired someone to advise him on what is ethical and what is not. It is my understanding from published reports in the Washington Post, the New Yorker, and other sources,

that the primary ''ethical'' concern that Mr. Dash is advising the Whitewater independent counsel on, is related to issues that have arisen as a result of Mr. Starr's continued private practice of law and his continued representation of clients who, at the very least, have agendas that are diametrically opposed to one of the primary targets of the Whitewater investigation—the Clinton administration. Commenting on the issues that have been raised by Mr. Starr's involvement with the Bradley Foundation, a conservative foundation that gives money to many virulent critics of the Clinton administration, Ellen Miller, executive director of the Center for Responsive Politics said, ''But you don't have to scratch far beneath the surface to find not just one but many, many, many conflicts of interest.''

Mr. President, I am not here to judge the numerous allegations of conflicts of interests that have been brought against the current Whitewater independent counsel. Those issues need to be addressed by the special panel of judges from the U.S. Court of Appeals for the District of Columbia which appointed Mr. Starr. However, I do think that the Congress has an opportunity and indeed the obligation to ensure that the current troubles plaguing Mr. Starr do not plague future independent counsels.

Mr. President, I think that too often we search for complicated solutions to simple problems. We devise complex mechanisms to deal with rather straightforward issues. I believe that we can and should avoid doing that in this case. My legislation addresses a serious concern with a simple and straightforward response. Potential conflicts of interest resulting from continued, outside employment by a law firm and from representation of outside clients can be avoided by simply requiring that the independent counsel devote her fulltime attention to the duties of the independent counsel's office.

No one will argue, Mr. President, that the office of independent counsel has not served an important function since the days of Watergate. The integrity and impartiality of the office is far too important to its proper functioning to risk under circumstances like those swirling around the current Whitewater independent counsel. That is why I offer this legislation. I am trying by this pro-active legislation to eliminate the need for other independent counsel to hire Mr. Dash or anyone else to advise them on potential conflicts of interest they might have.

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. 1697

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

SECTION 1. STANDARDS OF CONDUCT FOR INDEPENDENT COUNSELS.

Paragraph (1) of section 594(j) of title 28, United States Code, is amended to read as follows:

''(1) RESTRICTIONS ON EMPLOYMENT WHILE INDEPENDENT COUNSEL AND APPOINTEES ARE SERVING.—(A) During the period in which an independent counsel is serving under this chapter, the independent counsel shall not—

''(i) engage in any legal work other than as required for service under this chapter; or

''(ii) receive any compensation for affiliating with or being employed by an entity that provides professional legal services.

''(B) During the period in which an independent counsel is serving under this chapter, any person associated with a firm with which such independent counsel is associated, may not represent in any matter any person involved in any investigation or prosecution under this chapter. During the period in which any person appointed by an independent counsel under subsection (c) is serving in the office of independent counsel, such person may not represent in any matter any person involved in any investigation or prosecution under this chapter.''.

By Mr. BINGAMAN:

S. 1699. A bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF 1996

Mr. BINGAMAN. Mr. President, in December 1994, Congress received the National Cave and Karst Research Institute Study from the National Park Service. The report studied the feasibility of creating a National Cave and Karst Research Institute in the vicinity of Carlsbad Caverns National Park, NM, as directed by Public Law 101–578. Today, I am here to introduce a bill which follows the guidelines of that report and which will establish the National Cave and Karst Research Institute in Carlsbad, NM.

While other nations have recognized the importance of cave resource management information and have sponsored cave and karst research, the United States has failed, until recently, to appreciate or work to understand cave and karst systems and their importance. As we approach the 21st century, the protection and management of our water resources has been identified as one of the major issues facing the world. In America, the majority of the Nation's freshwater is ground water—of which 25 percent is located in cave and karst regions.

Recent studies have also indicated that caves contain valuable information related to global climate change, waste disposal, ground water supply and contamination, petroleum recovery, and biomedical investigations. Caves provide a unique understanding of the historic events of humankind. Further they are considered sacred and have religious significance for American Indians and other native Americans.

According to the Federal Cave Resources Protection Act, karst is defined as a landform characterized by sinkholes, caves, dry valleys, fluted rocks, enclosed depressions, underground streamways and spring resurgences. As a whole, 20 percent of the United States is karst. In fact, east of central Oklahoma, 40 percent of the country is karst. Our National Park System manages 58 units with caves and karst features, yet academic programs on these systems are virtually nonexistent. Most research is conducted with little or no funding and the resulting data is scattered and often hard to locate. The few cave and karst organizations and programs which do exist, have substantially different missions, locations, and funding sources and there is no centralized program to analyze data or determine future research needs.

In 1988, Congress directed the Secretaries of the Interior and Agriculture to provide an inventory of caves on Federal lands and to provide for the management and dissemination of information about the caves. That directive has served only to make Federal land management agencies more aware of the need for a cave research program and a repository for cave and karst resources. In 1990, Congress further directed the Secretary of the Interior, through the Director of the National Park Service, to establish and administer a cave research program and prepare a proposal for Congress on the feasibility of a centralized National Cave and Karst Research Institute.

The National Cave and Karst Research Institute study report to Congress was released in December 1994 and not only supports establishing the institute, but lists several serious threats to continued uninformed management practices. Threats such as: alterations in the surface waterflow patterns in karst regions, alterations in or pollution of water infiltration routes, inappropriately placed toxic waste repositories, and poorly managed or designed sewage systems and landfills. The findings of the report conclude that it is only through a better understanding of cave resources that we can prevent detrimental impacts to America's natural resources and cave ecosystems.

The goals of the National Cave and Karst Research Institute, as outlined in the report, would be to further the science of speleology, to centralize speleological information, to further interdisciplinary cooperation in cave and karst research programs, and to promote environmentally sound, sustainable resource management practices. These goals would work hand in hand with the proposed objectives of the institute to establish a comprehensive cave and karst library and information data base, to sponsor national and international cave and karst symposiums, to develop longterm research studies, to produce cave-related educational publications and to develop cooperative agreements with all Federal agencies having cave management responsibilities.

The vicinity of Carlsbad Caverns National Park is ideal due to the community support which already exists for the establishment of the institute and the diverse cave and karst resources which are found throughout the region.

Carlsbad, NM has grown from a small railroad stop on what is now the Santa Fe Railroad to a growing city with a population of over 170,000 in the tricounty area. It continues to attract new businesses, small manufacturers, retirees, and research facilities, including the U.S. Department of Energy's Carlsbad area office. In addition, Carlsbad Caverns National Park attracts over 700,000 visitors per year.

The National Cave and Karst Research Institute would be jointly administered by the National Park Service and another public or private agency, organization or institution as determined by the Secretary. The Carlsbad Department of Development [CDOD], after reviewing the National Cave and Karst Research Institute study report, has developed proposals to obtain financial support from available and supportive organizational resources—including personnel, facilities, equipment, and volunteers. They further believe that they can obtain serious financial support from the private sector and would seek a matching grant from the State of New Mexico equal to the available Federal funds.

Carlsbad already has in place many of the needed cooperative institutions, facilities, and volunteers that will work toward the success of the National Cave and Karst Institute. I strongly urge my colleagues to support this legislation to increase our understanding of cave and karst systems.

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. 1699

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Cave and Karst Research Institute Act of 1996''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to further the science of speleology;

(2) to centralize and standardize speleological information;

(3) to foster interdisciplinary cooperation in cave and karst research programs;

(4) to promote public education;

(5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and

(6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary''), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the ''Institute'').

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled ''An Act to conduct certain studies in the State of New Mexico'', approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person;

(2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. HARKIN, Mr. REID, and Mr. D'AMATO):

S. 1700. A bill to reduce interstate street gang and organized crime activity, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL GANG VIOLENCE ACT OF 1996

Mr. HATCH. Mr. President, I rise today to introduce the Federal Gang Violence Act. I am pleased to be joined in this important effort by Senator FEINSTEIN, as well as by Senators KERRY, HARKIN, REID, and D'AMATO.

Gang violence in many of our communities is reaching frightening levels. Recently, Asipeli Mohi, a 17-year-old Utahn, was tried and convicted of the gang-related beating and shooting death of another teenager, Aaron Chapman. Why was Aaron Chapman murdered? He was wearing red, apparently the color of a rival gang. Ironically, Mr. Chapman was on his way home from attending an antigang benefit concert when he was killed. Before committing this murder, the killer had racked up a record of 5 felonies and 15 misdemeanors in juvenile court. Sadly, this example of senseless gang violence is not an isolated incident in my State or elsewhere. It is a scene replayed daily with disturbing frequency.

Gang violence is now common even in places where this would have been unthinkable several years ago. Indeed, many people find it hard to believe that Salt Lake City or Ogden could have such a problem—gangs, they think, are a problem in cities like New York, Chicago, and Los Angeles, but not in our smaller cities.

However, reality is much grimmer. Since 1992, gang activity in Salt Lake City has increased tremendously. For instance, the number of identified gangs has increased 55 percent, from 185 to 288, and the number of gang members has increased 115 percent, from 1,438 to 3,104.

The number of gang-related crimes has increased a staggering 388 percent, from 1,741 in 1992 to 8,496 in 1995. In 1995, 174 of these involved drive-by shootings, and in the first quarter of 1996 alone, there were 64 gang-related drive-by shootings.

Our problem is severe. Moreover, there is a significant role the Federal Government can play in fighting this battle. I am not one to advocate the unbridled extension of Federal jurisdiction. Indeed, I often think that we have federalized too many crimes. However, in the case of criminal street gangs, which increasingly are moving interstate to commit crimes, there is a very proper role for the Federal Government to play.

This bill will strengthen the coordinated, cooperative response of Federal, State, and local law enforcement to criminal street gangs by providing more flexibility to the Federal partners in this effort. Among the important provisions of this bill:

This legislation increases the ability of the Federal Government to prosecute criminal street gangs that operate interstate or commit Federal or State gang related crimes, by updating the criminal gang and Travel Act provisions of the Federal criminal code. Under our bill, these laws will cover criminal activities typically engaged in by gangs.

Our bill adds a 1- to 10-year sentence for the recruitment of persons into a gang. Importantly, there are even tougher penalties for recruiting a minor into a gang, including a 4-year mandatory minimum sentence.

The bill adds the use of a minor in a crime to the list of offenses for which a person can be prosecuted under the Federal racketeering laws, known as RICO.

It enhances the penalties for transferring a handgun to a minor, knowing that it will be used in a crime of violence; and adds a new Federal penalty for the use of body armor in the commission of a Federal crime.

Finally, the legislation we introduce today adds serious juvenile drug offenses to the list of predicates under

the Federal Armed Career Criminal Act, and authorizes $20 million over 5 years to hire Federal prosecutors to crack down on criminal gangs.

Mr. President, this legislation is not a panacea for our youth violence crisis. But it is a large and critical step in addressing this issue. I look forward to working with my colleagues on this bill, and urge their support.

Mr. President, I ask unanimous consent that the bill and a section analysis be printed in the RECORD.

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

S. 1700

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Gang Violence Act''.

SEC. 2. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS GANG MEMBER.

(a) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 3 of the Federal Sentencing Guidelines so that, except with respect to trafficking in cocaine base, if a defendant was a member of a criminal street gang at the time of the offense, the offense level is increased by 6 levels.

(2) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made pursuant to paragraph (1) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

(3) DEFINITION.—For purposes of this section, the term ''criminal street gang'' has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 3 of this Act.

SEC. 3. AMENDMENT OF TITLE 18 WITH RESPECT TO CRIMINAL STREET GANGS.

Section 521 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(a) DEFINITIONS.—'' and inserting ''(a) DEFINITIONS.—For purposes of this section the following definitions shall apply:'';

(B) by striking '''conviction''' and inserting the following:

''(1) CONVICTION.—The term 'conviction' '';

(C) in paragraph (1), as so designated, by striking ''violent or controlled substances felony'' and inserting ''predicate gang crime''; and

(D) by striking '''criminal street gang''' and all that follows through the end of the subsection and inserting the following:

''(2) CRIMINAL STREET GANG.—The term 'criminal street gang' means an ongoing group, club, organization, or association of 3 or more persons, whether formal or informal—

''(A) a primary activity of which is the commission of 1 or more predicate gang crimes;

''(B) the members of which engage, or have engaged during the 5-year period preceding the date in question, in a pattern of criminal activity involving 1 or more predicate gang crimes; and

''(C) the activities of which affect interstate or foreign commerce.

''(3) PATTERN OF CRIMINAL ACTIVITY.—The term 'pattern of criminal activity' means the commission of 2 or more predicate gang crimes—

''(A) at least 1 of which was committed after the date of enactment of the Federal Gang Violence Act;

''(B) the last of which was committed not later than 3 years after the commission of another predicate gang crime; and

''(C) which were committed on separate occasions.

''(4) PREDICATE GANG CRIME.—The term 'predicate gang crime' means—

''(A) an offense described in subsection (c);

''(B) a State offense—

''(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is imprisonment for not less than 5 years; or

''(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

''(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense, including—

''(i) assault with a deadly weapon;

''(ii) homicide or manslaughter;

''(iii) shooting at an occupied dwelling or motor vehicle;

''(iv) kidnaping;

''(v) carjacking;

''(vi) robbery;

''(vii) drive-by-shooting;

''(viii) tampering with or retaliating against a witness, victim, informant, or juror;

''(ix) rape;

''(x) mayhem;

''(xi) torture; and

''(xii) arson;

''(D) any Federal or State offense that is—

''(i) grand theft;

''(ii) burglary;

''(iii) looting;

''(iv) felony extortion;

''(v) possessing a concealed weapon;

''(vi) grand theft auto;

''(vii) money laundering;

''(viii) felony vandalism;

''(ix) unlawful sale of a firearm; or

''(x) obstruction of justice; and

''(E) a conspiracy, attempt, or solicitation to commit any offense described in subparagraphs (A) through (D).''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''continuing series of offenses described in subsection (c)'' and inserting ''pattern of criminal activity; and

(B) in paragraph (3), by striking ''years for—'' and all that follows through the end of the paragraph and inserting ''years for a predicate gang crime.''.

SEC. 4. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL STREET GANGS.

(a) TRAVEL ACT AMENDMENTS.—

(1) PROHIBITED CONDUCT AND PENALTIES.—Section 1952(a) of title 18, United States Code, is amended to read as follows:

''(a) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(1) distribute the proceeds of any unlawful activity;

''(2) commit any crime of violence to further any unlawful activity; or

''(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs, attempts to perform, or conspires to perform—

''(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 10 years, or both; or

''(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.''.

(2) UNLAWFUL ACTIVITIES.—Section 1952(b) of title 18, United States Code, is amended to read as follows:

''(b) As used in this section—

''(1) the term 'unlawful activity' means—

''(A) activity of a criminal street gang as defined in section 521 of this title;

''(B) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

''(C) extortion; bribery; arson; robbery; burglary; assault with a deadly weapon; retaliation against or intimidation of witnesses, victims, jurors, or informants; assault resulting in bodily injury; possession or trafficking of stolen property; trafficking in firearms; kidnapping; alien smuggling; shooting at an occupied dwelling or motor vehicle; or insurance fraud; in violation of the laws of the State in which the offense is committed or of the United States; or

''(D) any act that is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title; and

''(2) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines so that—

(1) the base offense level for traveling in interstate or foreign commerce in aid of a street gang or other racketeering enterprise is increased to 12; and

(2) the base offense level for the commission of a violent crime in aid of a street gang or other racketeering enterprise is increased to 24.

SEC. 5. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 522. Recruitment of persons to participate in criminal gang activity

''(a) PROHIBITED ACT.—It shall be unlawful for any person to—

''(1) use any facility of, or travel in, interstate or foreign commerce, or cause another to do so, to solicit, request, induce, counsel, command, cause or facilitate the participation of, a person to participate in a criminal street gang, or otherwise cause another to do so, or conspire to do so; or

''(2) solicit, request, induce, counsel, command, cause, or facilitate the participation of a person to engage in crime for which such person may be prosecuted in a court of the United States, or otherwise cause another to do so, or conspire to do so.

''(b) PENALTIES.—A person who violates subsection (a) shall—

''(1)(A) if the person is a minor, be imprisoned for not less than 4 years and not more than 10 years, fined not more than $250,000, or both; or

''(B) if the person is not a minor, be imprisoned for not less than 1 year and not more than 10 years, fined not more than $250,000, or both; and

''(2) be liable for any cost incurred by the Federal Government or by any State or local

government for housing, maintaining, and treating the minor until the minor reaches the age of 18.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'criminal street gang' has the same meaning given such term in section 521; and

''(2) the term 'minor' means a person who is younger than 18 years of age.''.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines so that the base offense level for recruitment of a minor to participate in a gang activity is 12.

(c) TECHNICAL AMENDMENT.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following new item:

''522. Recruitment of persons to participate in criminal gang activity.''.

SEC. 6. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' before ''(E)''; and

(2) by inserting before the semicolon at the end of the paragraph the following: '', or (F) any offense against the United States that is punishable by imprisonment for more than 1 year and that involved the use of a person under the age of 18 years in the commission of the offense''.

SEC. 7. TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.

Section 924(h) of title 18, United States Code, is amended by striking ''10 years, fined in accordance with this title, or both'' and inserting ''10 years, and if the transferee is a person who is under 18 years of age, not less than 3 years; fined under this title; or both''.

SEC. 8. PENALTIES.

Section 924(a) of title 18, United States code, is amended—

(1) by redesignating paragraph (5), as added by section 110201(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (6); and

(2) in paragraph (6), as so redesignated—

(A) by striking subparagraph (A);

(B) in subparagraph (B)—

(i) by striking ''(B) A person other than a juvenile who knowingly'' and inserting ''(A) A person who knowingly'';

(ii) in clause (i), by striking ''1 year'' and inserting ''not less than 1 year and not more than 5 years''; and

(iii) in clause (ii), by inserting ''not less than 1 year and'' after ''imprisoned''; and

(C) by adding at the end of the following new subparagraph:

''(B) Notwithstanding subparagraph (A), no mandatory minimum sentence shall apply to a juvenile who is less than 13 years of age.''.

SEC. 9. THE JAMES GUELFF BODY ARMOR ACT.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 931. Use of body armor in Federal offenses

''(a) PROHIBITED ACTIVITY.—It shall be unlawful to use body armor in the commission of a Federal crime.

''(b) APPLICABILITY.—This section shall not apply if the Federal crime in which the body armor is used constitutes a violation of the civil rights of a person by a law enforcement officer acting under color of the authority of such law enforcement officer.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'body armor' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

''(2) the term 'law enforcement officer' means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

''(d) PENALTIES.—

''(1) IMPRISONMENT.—Whoever knowingly violates this section shall be imprisoned for a term of 2 years.

''(2) CONSTRUCTION.—A sentence under this paragraph shall be consecutive to any sentence imposed for the Federal crime in which the body armor was used.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

''931. Use of body armor in Federal offenses.''.

SEC. 10. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of clause (i);

(2) by adding ''or'' at the end of clause (ii); and

(3) by adding at the end the following new clause:

''(iii) any act of juvenile delinquency that if committed by an adult would be an offense described in clause (i) or (ii);''.

SEC. 11. INCREASE IN TIME LIMITS FOR JUVENILE PROCEEDINGS.

Section 5036 of title 18, United States Code, is amended by striking ''thirty'' and inserting ''70''.

SEC. 12. APPLYING RACKETEERING OFFENSES TO ALIEN SMUGGLING AND FIREARMS OFFENSES.

Section 1961(1) of title 18, United States Code, as amended by section 6 of this Act, is amended by inserting before the semicolon at the end the following: '', (G) any act, or conspiracy to commit any act, in violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328), or (H) any act or conspiracy to commit any act in violation of chapter 44 of this title (relating to firearms)''.

SEC. 13. USE OF LINGUISTS.

(a) IN GENERAL.—The Secretary of State shall identify qualified translators who the Secretary shall identify qualified translators who the Secretary shall make available to assist Federal law enforcement agencies in criminal investigations by monitoring legal wiretaps and translating recorded conversations.

(b) EMPHASIS.—In carrying out subsection (a), the Secretary of State shall place special emphasis on translators in States in which most criminal street gangs and organized crime syndicates operate.

SEC. 14. ADDITIONAL PROSECUTORS.

There are authorized to be appropriated $20,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001 for the hiring of additional Assistant United States Attorneys to prosecute violent youth gangs.

SUMMARY OF THE FEDERAL GANG VIOLENCE ACT

(Senators Orrin Hatch, Dianne Feinstein, John Kerry, Tom Harkin, Harry Reid, and Alfonse D'Amato, April 24, 1996)

Section 1. Short title

This section identifies the Act as the ''Federal Gang Violence Act.''

Section 2. Increase in offense level for participation of crime as gang member

This legislation doubles the penalty for any member of an organized criminal street gang who commits a federal crime.

Current federal law increases the penalties for organizers, leaders, managers and supervisors of criminal activity—including gang leaders—who commit a federal crime. However, members of known criminal street gangs currently are not subjected to higher penalties when a federal crime is committed. Many prosecutors and law enforcement leaders indicate that gang members—in addition to the leaders and supervisors of gangs—should see their penalties increased to provide a stronger deterrent for children to stay away from gangs.

This legislation amends the Sentencing Guidelines so that individual gang members convicted of felonies would have their sentencing level approximately doubled, by adding six levels to the base offense level for the crime they committed. Gang leaders and organizers would also have their sentences increased by six sentencing levels.

There are some examples of the effect of this increase for gang members, assuming they have no other aggravating or mitigating factors:

Crime	First-time offender		Second-time offender	
	Current	Proposed	Current	Proposed
Drive-by shooting related to 20 grams of cocaine	1¼ to 1¾	2¾ to 3½	1¾ to 2¼	3½ to 4¾
Burglary	2 to 2½	4 to 4¾	2½ to 3	4¾ to 6
Extortion	2¾ to 3½	5¼ to 6½	3½ to 4¼	6¾ to 8
Witness intimidation	2¾ to 3½	5¼ to 6½	3½ to 4¼	6½ to 8
Gun trafficking	4¾ to 6	9 to 11¼	6 to 7¼	11¼ to 14
Robbery with a handgun	5¼ to 6½	10 to 12½	6½ to 8	12½ to 15¾

Section 3. Amendment to title 18 with respect to criminal street gangs

This legislation expends the definition of criminal street gangs to better reflect modern day gang activity.

Current federal law bases the definition and penalties for criminal street gangs upon the commission of a *federal crime of violence or a federal crime involving a controlled substance.* Under existing federal law, a person eligible for prosecution as a criminal street gang member must have been convicted within the previous 5 years of a federal or state drug crime or crime of violence, as well as having participated in, or furthered the activities of, a gang. This legislation broadens the definition of criminal street gang activity to include many types of state crimes, such as drive-by shootings, rape, torture, carjacking, kidnaping, and assault with a deadly weapon.

By expanding the definition of gang membership, more gang members—who commit state crimes—will be subjected to the higher penalties if they subsequently commit a federal crime.

Current federal law also requires that there must be five members to meet the requirements of being a gang. Prosecutors and law enforcement officials indicate this number is arbitrary and that some dangerous street gangs consist of fewer members. For that reason, this legislation also lowers the number of participants—from five members to three members—required to meet the definition of a gang.

Section 4. Interstate and foreign travel of transportation in aid of criminal street gangs

Doubles penalties for inter-state, gang-related crimes. Also expands Travel Act, passed in 1961 with Mafia-related criminal activity in mind, to respond more effectively to the growing problem of highly sophisticated, mobile and organized street gangs.

The Travel Act now makes it a federal crime to travel in interstate commerce, or use the mail or other facilities of interstate commerce, to commit or help establish, promote, manage, or carry out extortion, bribery, arson, or any business enterprise involving narcotics, controlled substances, prostitution, gambling, or liquor on which the excise taxes were not paid.

While the Travel Act allows prosecutors to target some gang activities—such as drug trafficking—the list is not complete. Law enforcement leaders and prosecutors have indicated that the Act needs to be ''modernized'' to better reflect current crimes by gang members.

Under this legislation, the list of unlawful activities in the Travel Act will be expanded to include crimes that are most committed by gang members. The expanded list will include: drive-by shooting, robbery, burglary, assault with a deadly weapon, intimidation of witnesses, victims, jurors or informants, assault resulting in bodily injury, possession and/or trafficking in stolen property, alien smuggling, firearms trafficking, kidnaping, and insurance fraud.

In addition, under this legislation, the maximum penalties are doubled from 5 to 10 years for those who violate these provisions without intending to commit violent crimes themselves.

A conspiracy provision is also added to this statute to make it easier to prosecute all the gang members who help to commit these crimes.

This Act also doubles the base offense levels for:

Traveling in interstate or foreign commerce in aid of a street gang, from 6 to 12, which increases the base sentencing rage from a low of zero to six months and a high of twelve to eighteen months, to a new low of ten to sixteen months and a new high of thirty to thirty-seven months; and

Committing violent crimes in aid of street gang or racketeering activity from 12 to 24, which increases the base sentencing range from a low of ten to sixteen months and a high of thirty to thirty-seven months, to a new low of 51–63 months and a new high of 100–125 months.

Section 5. Solicitation or recruitment of persons in gang activity

Current federal law contains no penalty for recruiting minors to participate in gang activity. Law enforcement officials indicate that sophisticated crime syndicates will recruit minors to do the ''dirty work'' so that the organizers of the criminal activity cannot be convicted of a crime.

This legislation makes the recruitment or solicitation of persons to participate in gang activity subject to a one-year minimum and 10-year maximum penalty, or a fine of up to $250,000. If a minor is recruited or solicited, the minimum penalty is increased to four years. In addition, the person convicted of this crime would have to pay the costs of housing, maintaining and treating the juvenile until the juvenile reaches the age of 18 years.

Section 6. Crimes involving the use of minors as RICO predicates

To identify a racketeering influenced corrupt organization (RICO), the organization must have engaged in at least two of the more than 25 criminal activities listed under the RICO statute.

This bill makes the use of a minor in the commission of a federal crime a RICO predicate.

Section 7. Transfer of firearms to minors for use in crime

It is now a crime under federal law to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime.

This legislation adds a mandatory minimum penalty of three years imprisonment if the gun to be used in crime is transferred to a minor.

Section 8. Penalties

Increases penalties for transferring handguns to minors.

The Youth Handgun Safety Act, passed by Congress as part of the 1994 Crime Bill, does not contain sufficient penalties. In fact, one provision of the current Youth Handgun Safety Act requires mandatory probation for a first-time juvenile offender who possesses a handgun. Such a weak penalty meant few prosecutors would utilize the Youth Handgun Safety Act to target gang members. In addition, current law sets different penalties for juveniles and adults who transfer a weapon to a minor.

The Federal Gang Violence Act toughens the penalties against juveniles and adult who transfer a handgun to a minor—and subjects juveniles and adults to the same penalties for violating this law.

This legislation changes the Youth Handgun Safety Act by:

(A) Setting a one-year minimum sentence for anyone—adult or juvenile—who provides a minor with a handgun.

(B) Holding juveniles accountable when they unlawfully give another minor a handgun by applying the same five-year maximum sentence now given to adults.

(C) Setting a one-year minimum sentence and applying the same 10-year maximum sentence to adults and juveniles who give a handgun to a minor and should have known the gun would be used in a crime of violence. Currently, the 10-year maximum sentence only applies to adults.

Section 9. The James Guelff Body Armor Act

Many police officers around the country are confronting heavily-armed gang members who are wearing bullet-proof vests. This legislation creates a two-year mandatory, consecutive sentence for anyone who wears body armor in the commission of a federal offense.

Section 10. Serious juvenile drug offense as Armed Career Criminal Act predicates

The Armed Career Criminal Act provides that if a person has three or more prior convictions of certain crimes (is a career criminal), and he possess, ships, transports or receives a gun or ammunition (is armed), he will be subject to a mandatory minimum 15 year penalty and fine of up to $25,000. Serious drug offenses are already in the list of crimes which count toward the three-conviction minimum; this bill would allow juvenile convictions for serious drug offenses to also count toward that three-conviction minimum.

Section 11. Increase in time limits for juvenile proceedings

Expands the time limit for bringing juvenile proceedings to trial.

Presently, a 30-day time limit exists. With crimes being committed by juveniles becoming increasingly violent and complex, prosecutors need additional time to adequately develop cases. This legislation increases the time limit to 70 days.

Section 12. Applying racketeering offenses to firearms offenses

Adds firearms violations, such as trafficking, to the list of crimes that can be attacked by prosecutors under RICO.

Currently, firearms violations are not RICO predicate acts. Prosecutors and law enforcement officials indicate an increasing use of firearms by criminal street gangs to commit home robberies, business invasions, and attacks on rival gangs. Since most of the firearms have moved in interstate commerce—and because firearms are such an integral part of the gang's activity—law enforcement officials have suggested that firearms violations become predicate acts under RICO. Since two criminal activities must be proven before RICO organizations can be identified, firearms violations alone would not lead a group to be pursued under the RICO laws.

This legislation would amend the list of RICO predicate acts to include firearms violations.

Identifying an organization dedicated to criminal activity in accordance with the RICO statute results in asset forfeiture and a maximum of 20 years in prison. In addition, the RICO Statute allows federal prosecutors to charge such an organization with state crimes they may have committed as well as federal crimes.

Section 13. Use of linguists

Promotes the use of State Department linguists to assist in translating and monitoring wiretaps in gang investigations. Federal law enforcement and courts are experiencing difficulty and high costs in locating and employing certified translators for southeastern Asian languages and Chinese dialects used by some gangs.

Section 14. Additional prosecutors

The Federal Gang Violence Act authorize appropriations of $100 million over the next five years for hiring additional federal prosecutors to prosecute violent youth gangs.

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senators, HATCH, KERRY, HARKIN, REID, and D'AMATO to introduce the Federal Gang Violence Act of 1996—legislation that makes the Federal Government a more active partner in the war against violent and deadly organized gangs.

Mr. President, today's gangs are not the bands of loosely organized street kids glamorized in West Side Story. Today's gangs are very different. Consider this:

Just last week, the U.S. attorney's office in San Francisco made arrests in a major alien smuggling operation run by organized gangs based in New York and San Francisco. Operation Sea Dragon netted 23 people in connection with a large-scale plan to smuggle two boatloads of more than 270 aliens from China into the United States in 1993.

According to the U.S. attorney's office, a number of powerful New York-based gangs, including the White Tigers, Fuk Ching, and the Broom Street Boys joined forces with two bay area gangs to off load the smuggled aliens. A San Francisco-based Vietnamese gang was responsible for furnishing the

fishing boats to ferry the smuggled aliens ashore, where a Chinese gang out of Oakland had provided land transportation and drop houses to facilitate the aliens travel to New York. Presumably, once in New York, these illegal aliens were to live in indentured servitude while they paid off the up to $30,000 in crossing debts that the gangs typically charge each passenger.

Alien smuggling is a very lucrative international business—law enforcement estimates it brings in $3 billion a year for smugglers.

But alien smuggling is just one example of the kinds of dangerous criminal activities modern gangs are engaged in. Today's gangs are organized and sophisticated traveling crime syndicates—much like the Mafia—that regularly cross State lines to recruit new members, traffick in drugs, weapons, and illegal aliens, and steal and murder.

In just one city, Los Angeles, nearly 7,300 of its citizens were murdered in the last 16 years from gang warfare. This is more people than have been killed in all the terrorist fighting in northern Ireland.

Gangs were responsible for: 43 percent of all homicides in Los Angeles in 1994; 41 percent of homicides in Omaha, Nebraska in 1995; and more than half of all violent crimes in Buffalo, NY, in 1994.

In Phoenix, AZ, gang-related homicides jumped 800 percent between 1990 and 1994; and

In Wichita, KS, drive-by shootings jumped from 8 in 1991 to 267 in 1993—a 3000-percent increase in just 2 years. This in a small city of 300,000.

These are just a few examples of the alarming rise in gang violence gripping our streets. We are becoming numb to the violence.

In Los Angeles in February, City Councilwoman Laura Chick, chair of the LA Public Safety Committee, received a faxed report that six people had been murdered over the weekend in LA—and it was not even reported in the press.

Criminal gangs are now engaged in million dollar heists, home and business invasions, major narcotics and weapons trafficking, and yes, illegal alien smuggling.

And they are crossing State lines to establish criminal operations in other States looking for untapped markets.

Sgt. Jerry Flowers with the gang crime unit in Oklahoma City captured the migration instinct of these gangs when he said: ''the gang leaders realized that the same ounce of crack cocaine they sold for $300 in Los Angeles was worth nearly $2,000 in Oklahoma City''.

BLOODS AND CRIPS

The Bloods and the Crips, gangs that originated in Los Angeles in the late 1960's, are the Nation's two largest street gangs. And they are expanding.

Local police and the FBI have traced factions of these gangs to more than 119 cities in the West and Midwest with more than 60,000 members. According to the FBI, narcotics trafficking is their principle source of income.

GANGSTER DISCIPLES

The Gangster Disciples, according to local authorities, is a Chicago-based 30,000 member multimillion dollar gang operation spanning 35 States.

They traffic in narcotics and weapons, and are said to operate much like a ''Fortune 500 Company'' with two boards of directors—one in prison and one outside—a layer of Governors and regents, a tax collector and some 6,000 salespersons. Their income is estimated at $300,000 daily.

RUSSIAN CRIME GANGS

Russian organized crime activity in the United States has been expanding for the past 20 years, but its most significant growth has occurred during the past 5 years. Twenty-nine States now report activities by Russian crime groups.

FBI Director Louis Freeh stated that more than 200 of Russia's 6,000 crime gangs operate with American counterparts in the United States.

Russian gangs tend to be more loosely organized than other gangs, but they have formed networks that operate and shift alliances to meet particular needs.

The California Attorney General indicates that the most common criminal activities by Russian organized crime gangs are fraud schemes involving fuel tax, insurance, and credit card fraud. But they also engage in more common organized crime activities-extortion, loan sharking, drug trafficking, auto theft, and prostitution.

ASIAN GANGS

The Department of Justice indicates that, among ethnic gangs, Jamaican and Asian gangs are considered by many law enforcement officials to pose the largest threat. Asian gangs have been identified as major threats in more than 17 cities.

In Los Angeles alone there are more than 100 Asian gangs with 10,000 members.

Illegal activities include: alien smuggling, murder, kidnapping, extortion, home invasion robberies, high-technology heists, and firearms trafficking.

Vietnamese gangs, in particular, have become a serious threat in many cities. They tend to be very violent, are more sophisticated organizationally, and have specialized in stealing multimillion dollar quantities of computer chips.

At least 400 Silicon Valley businesses that deal in computer chips have been hit in the last year and a half, losing tens of millions of dollars. Computer firms lose as much as $1 million a week in thefts.

CURRENT LAWS NOT ENOUGH

Mr. President, Federal laws now on the books were designed to fight one type of organized crime—the Mafia. And I believe today's laws just are not enough to take on these modern gangs.

For the past 7 months, my staff has met with prosecutors, law enforcement officers, and community leaders to search for solutions to the problem of gang violence. The legislation I am introducing today, The Federal Gang Violence Act of 1996, is the result of our work.

This legislation strengthens Federal law by attacking gang violence on three fronts:

It doubles the sentence for any member of an organized criminal gang who commits a Federal crime;

Expands the scope of gang-related criminal acts to include such activities as carjacking and drive-by shootings, and significantly increases penalties for those crimes; and

Checks the growth of gangs by making the recruitment of minors into criminal gangs a Federal offense with stiff penalties.

Specifically, this legislation:

First, doubles the actual sentence for any member of an organized criminal street gang who commits a Federal crime.

Current Federal law increases the penalties for organizers, leaders, managers, and supervisors of criminal activity—including gang leaders—who commit a federal crime. However, members of known criminal street gangs currently are not subjected to higher penalties when a Federal crime is committed.

Many prosecutors and law enforcement leaders indicate that gang members—in addition to the leaders and supervisors of gangs—should see their penalties increased to provide a stronger deterrent for children to stay away from gangs.

This legislation amends the sentencing guidelines so that individual gang members convicted of felonies would have their sentencing level approximately doubled. For example: Now if a first-time offender who is a member of a gang is convicted of gun trafficking, he would get a minimum of 4¾–6 years in jail. Under this legislation, the sentence would be increased to 9–11¼ years.

Second, expands the definition of criminal street gangs in Federal law to better reflect modern-day gang activity.

The bill broadens the definition of criminal street gang activity in title 18 of the Criminal Code to include many types of State crimes, such as drive-by shootings, rape, torture, carjacking, kidnaping, and assault with a deadly weapon.

This legislation also lowers the number of participants—from five members to three members—required to meet the definition of a gang.

Third, doubles penalties for interstate, gang-related crimes and expands the Travel Act to respond more effectively to the growing problem of highly sophisticated, mobile, and organized street gangs.

The Travel Act was originally written in 1961 with Mafia-style activity in mind. While the Travel Act as it is now written allows prosecutors to target

some gang activities—such as drug trafficking—the list is not complete. Law enforcement leaders and prosecutors have indicated that the act needs to be modernized to better reflect current crimes by gang members.

Under this legislation, the list of unlawful activities in the Travel Act will be expanded to include the following crimes: Drive-by shooting; robbery; burglary; assault with a deadly weapon; intimidation of witnesses, victims, jurors, or informants; assault resulting in bodily injury; possession and/or trafficking of stolen property; alien smuggling; firearms trafficking; kidnaping; and insurance fraud.

In addition, under this legislation, the maximum penalties are doubled from 5 to 10 years for those who violate these provisions without intending to commit violent crimes themselves.

A conspiracy provision is also added to this statute to make it easier to prosecute all the gang members who help to commit these crimes.

This act also doubles the base offense levels under the sentencing guidelines for: Traveling in interstate or foreign commerce in aid of a street gang, from 6 to 12, which increases the base sentencing range from a low of zero to 6 months and a high of 12 to 18 months, to a new low of 10 to 16 months and a new high of 30 to 37 months; and committing violent crimes in aid of street gang or racketeering activity from 12 to 24, which increases the base sentencing range from a low of 10 to 16 months and a high of 30 to 37 months, to a new low of 51 to 63 months and a new high of 100 to 125 months.

Fourth, solicitation or recruitment of persons into gang activity: Current Federal law contains no penalty for recruiting minors to participate in gang activity. Law enforcement officials indicate that sophisticated organized crime syndicates will recruit minors to do the dirty work so that the organizers of the criminal activity cannot be convicted of a crime.

This legislation makes the recruitment or solicitation of persons to participate in gang activity subject to a 1-year minimum and 10-year maximum penalty, or a fine of up to $250,000. If a minor is recruited or solicited, the minimum penalty is increased to 4 years. In addition, the person convicted of this crime would have to pay the costs of housing, maintaining and treating the juvenile until the juvenile reaches the age of 18 years.

Fifth, this bill makes the use of a minor in the commission of a Federal crime a RICO predicate.

Identifying an organization dedicated to criminal activity in accordance with the RICO Statute results in asset forfeiture and a maximum of 20 years in prison.

Sixth, transfer of firearms to minors for use in crime.

It is now a crime under Federal law to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime.

This legislation adds a mandatory minimum penalty of 3 years imprisonment if the gun to be used in crime is transferred to a minor.

Seventh, this legislation increases penalties for transferring handguns to minors.

The Youth Handgun Safety Act, passed by Congress as part of the 1994 crime bill, does not contain sufficient penalties against juveniles who possess handguns.

In fact, one provision of the current Youth Handgun Safety Act requires only mandatory probation for a first-time juvenile offender who possesses a handgun. Such a weak penalty has meant few prosecutors would utilize the Youth Handgun Safety Act to target gang members. In addition, current law sets different penalties for juveniles and adults who transfer a weapon to a minor.

The Federal Gang Violence Act toughens the penalties against juveniles and adults who transfer a firearm to a minor—and subjects juveniles and adults to the same penalties for violating this law.

This legislation changes the Youth Handgun Safety Act by:

Setting a 1-year minimum sentence for anyone—adult or juvenile—who provides a minor with a handgun.

Holding juveniles accountable when they unlawfully give another minor a firearm by applying the same 5-year maximum sentence now given to adults.

Setting a 1-year minimum sentence and applying the same 10-year maximum sentence to adults and juveniles who give a firearm to a minor and should have known the gun would be used in a crime of violence. Currently, the 10-year maximum sentence only applies to adults.

Juveniles under 13 years old, however, would not be subject to these mandatory minimum sentences.

Eighth, the James Guelff Body Armor Act: Many police officers around the country are confronting heavily armed gang members who are wearing bullet-proof vests. This legislation makes it a separate crime to wear body armor in the commission of a Federal offense, which would be punished by automatically adding 2 years to the sentence for the original crime.

Ninth, serious juvenile drug offenses as Armed Career Criminal Act predicates:

The Armed Career Criminal Act provides that if a person has three or more prior convictions for certain crimes—is a career criminal—and he possesses, ships, transports, or receives a gun or ammunition, is armed, he will be subject to a mandatory minimum 15-year penalty and fine of up to $25,000.

Serious drug offenses are already in the list of crimes which count toward the three-conviction minimum; this bill would allow juvenile convictions for serious drug offenses to also count toward that three-conviction minimum. This would not apply to nickel-and-dime possession offenses, but to drug dealing which is punishable by ten or more years in prison.

Tenth, expands the time limit for bringing juvenile proceedings to trial.

Presently, a 30-day time limit exists. With crimes being committed by juveniles becoming increasingly violent and complex, prosecutors need additional time to adequately develop cases. This legislation increases the time limit to 70 days.

Eleventh, adds firearms violations, such as trafficking, to the list of crimes that can be attacked by prosecutors under RICO.

Currently, firearms violations are not RICO predicate acts. Prosecutors and law enforcement officials indicate an increasing use of firearms by criminal street gangs to commit home robberies, business invasions, and attacks on rival gangs.

Since most of the firearms have moved in interstate commerce—and because firearms are such an integral part of the gang's activity—law enforcement officials have suggested that firearms violations become predicate acts under RICO.

Twelfth, this legislation promotes the use of State Department linguists to assist in translating and monitoring wiretaps in gang investigations. Federal law enforcement and courts report that they are experiencing difficulty and high costs in locating and employing certified translators for Southeastern Asian languages and Chinese dialects used by some gangs.

Thirteenth, this legislation provides $100 million over the next 5 years for hiring additional Federal prosecutors to prosecute violent youth gangs.

Mr. President, the legislation I have laid out for you today is a starting point, and I think it is long overdue. I know there is no silver bullet to cure our Nation of the ills wrought by street gangs. But this legislation takes an important step forward by adding the Federal Government's weight to what has thus far been largely State and local war on gangs by significantly strengthening the Federal laws that deal with gang crime.

It is my belief that the only real long-term solution lies in combining forces at the Federal, State, and local level.

And I am pleased to say that thus far, this legislation has received nearly 80 endorsements from local California law enforcement, including Los Angeles County District Attorney Gil Garcetti, Los Angeles County Sheriff Sherman Block, and Police Chiefs in Fresno, Oakland, and Sacramento.

I urge my colleagues to support this legislation, and I welcome their input as this bill moves forward.

Mr. KERRY. Mr. President, today I rise to support the Federal Gang Violence Act which we are introducing to combat the growing problem of gang violence. According to the FBI, juvenile gang killings rose by 371 percent from 1980 to 1992, the fastest growing of

all the homicide categories. But, Mr. President, this problem is not just a series of statistics.

Less than a year ago in Massachusetts, a young prosecutor, Assistant Attorney General Paul McLauglin, was gunned down by a hooded youth in a display of gang violence and brutality unprecedented in my State. It was a brutal assassination of a public servant doing his job—the kind of violence we see in other nations, but thankfully, only rarely in America.

Earlier this year, I met with law enforcement officials, local elected officials, and Justice Department officials in western Massachusetts where gang activity has grown dramatically. The officials told me that in the Route 91 corridor, gangs operate from Connecticut through Massachusetts and up into Vermont. In fact, last year a major incident involving gangs from western Massachusetts occurred in Rutland, VT.

Because of this and similar meetings with law enforcement officials across Massachusetts, I went to Senators FEINSTEIN and HATCH to offer my assistance in developing this antigang legislation. Although officials in western Massachusetts told me that the area is already benefiting from the COPS Program, we must do more. I am proud of the role I played in getting the COPS Program expanded in the crime bill, so that we will put 100,000 police officers on the beat to fight crime. The COPS Program is beneficial but not a sufficient Federal response to youth gangs.

Nationally, juvenile arrests for violent crime increased by 75 percent during the past decade. According to a Department of Justice survey of law enforcement officials in 35 cities with organized antigang programs, there are almost 1,500 gangs and over 120,000 gang members across the country.

The legislation we are introducing today would crack down on violent gangs by toughening Federal penalties against criminal street gangs and organized crime syndicates. Gang members who commit Federal crimes or recruit other youths—and especially gangs who cross State lines to commit crimes—would receive stricter penalties.

Of course, the overwhelming majority of America's 27 million youths between the ages of 10 and 17 never commit violent crimes or enter the juvenile or criminal justice systems. Overall, children remain far more likely to be the victims of violent crime than offenders. According to the most recent data from the Department of Justice, one in nine children ages 12 to 19 was a victim of violent crime in 1993, while fewer than one in 200 youths was arrested for a violent offense.

But ultimately, Mr. President, the solution to youth violence must address the fact that too many young people live in poverty, which puts children at particular risk for violent behavior by reducing the quality of their community supports such as housing and schools, limiting their opportunities for education and employment, and dimming their sense of hope about the future. We can pass tougher and tougher laws but without at least an ounce of prevention we will not solve the problem.

We also must deal with the fact that handguns are too accessible. Handguns pose an ever-increasing danger to the safety and welfare of the American public. Nearly one-third of children ages 10 to 17 surveyed in 1993 said they knew how to get a gun. The source is often their own home. School security and law enforcement officials estimate that 80 percent of the firearms that students bring to school come from home. And according to the most recent figures, over 25 Americans are killed each day by handguns. If it's true that ''people kill people,'' it's also true that they most frequently do so with handguns.

But we must also learn more about gang violence. Despite continuing research on the nature and extent of gang problems, data on youth gangs remain spotty. The Department of Justice's Office of Juvenile Justice and Delinquency Prevention [OJJDP] recently reported that ''because research has been limited and because researchers have no real consensus on the definition of a gang or gang incident, the scope and seriousness of the youth gang problem are not reliably known.'' Better information is clearly needed.

I look forward to working with Senators FEINSTEIN and HATCH to making further refinements to the bill to ensure the delicate balance between bringing criminals to justice and protecting civil liberties. In particular, I'm interested in examining the provision which requires serious drug offenses committed as a juvenile to count toward the provision which imposes a mandatory minimum 15 year sentence for juveniles or adults who have a record of three serious drug offense convictions and commit a gun offense. We must be careful not to eliminate the juvenile justice system as the ''second chance'' it is intended to provide.

Finally, I want to recognize the leadership of Senator FEINSTEIN and Senator HATCH for their efforts to combat gang violence through this legislation. I also want to express my admiration for the Senator from California for her leadership on the assault weapons ban, both in her courageous efforts to pass it through Congress and her tenacity in stopping efforts to repeal it.

Too many children in the United States go to sleep to the sounds of gunfire and accept as normal the violent deaths of siblings, friends, and schoolmates. Working together, we can combat gang violence, poverty, and handguns to ensure we no longer have to live under the constant threat of violence.

Mr. D'AMATO. Mr. President, I am pleased to join my colleagues in introducing the Federal Gang Violence Act. The provisions of this bill are greatly needed in order to reduce the growing threat of gang violence.

The Department of Justice released a report last month stating that 79 of our largest cities have over 3,800 youth gangs, with a total of 200,000 gang members. The gangs are taking over our cities and towns. With an increase in the presence of gangs comes an increase in their criminal activities.

The Justice Department reports that while gang presence seems to be increasing, these gangs are also establishing an organizational sophistication that they did not possess before. With an expected surge in juvenile violent crimes, loopholes in the law must be corrected. And now.

Let me clarify one thing first. Gangs are not an urban problem; gangs are located in every geographical location—cities, suburbs, and rural areas. There is not one common gang activity; each gang performs different illegal activities. Gang activities are not restricted to certain areas of cities; the gangs' reach extends to our schools. It is clear that the response must be as varied as the problem. This bill takes the diversity into account and responds to those different activities by taking the most effective action—increasing the sentences. The penalty is doubled for any interstate gang-related crimes. Doubles the penalty for gang members that extort, bribe, deal in drugs, intimidate a witness or participate in a drive-by shooting. Any violent crime committed as part of gang activity gets an increased sentencing offense level.

Stiffer punishment is essential if we are to combat gang violence. A Department of Justice report states that 68 percent of male inmates in juvenile correctional facilities admit that their gang had regularly bought and sold guns and over 60 percent described driving around shooting at people regularly.

Because recruitment is so important to perpetuate the criminal gang activities, whether the person recruited is a minor or an adult, a new offense must be created. And this bill will do just that. It is imperative to stop the recruitment. Gangs can only continue to wreak havoc if they have the members to carry out their misdeeds.

A provision of the Federal Gang Violence Act treats alien smuggling as a predicate act under the RICO—racketeering. It will also make alien smuggling a money laundering crime. This is especially timely after the indictment last February of 64 violent organized crime gang members of the Flying Dragons in Chinatown. These smugglers brought in hundreds of illegal Chinese immigrants and then proceeded to kidnap, torture, and extort money. These provisions could only add to their sentences if convicted. These people should be in prison for decades for the acts alleged.

These provisions are a commonsense approach. For instance, any criminal

who wears body armor during the commission of a felony certainly deserves to get an additional 2 years mandatory minimum. The intent is clear; the gang member committing a felony wearing body armor knows the dangers involved.

The potential gang members have much to fear themselves. A special report completed by the National Gang Crime Research Center found that two-thirds of gang members have had friends or family members killed because of the gang violence. These victims may never have chosen the route of gang violence but were swept in by the activities of the gang members.

The violence committed by gangs affects our entire country. The wreak havoc on business owners, individuals, family members, and themselves. It is time to do something about it. I thank my colleagues for working to enhance the penalties of the crimes committed by gang members and am pleased to be an original cosponsor of this legislation. I urge my colleagues to cosponsor this bill.

By Mr. PELL:

S. 1701. A bill to end the use of steel jaw leghold traps on animals and for other purposes; to the Committee on Environment and Public Works.

STEEL JAW TRAP LEGISLATION

Mr. PELL. Mr. President, I rise today to introduce legislation to prohibit the use of steel jaw leghold traps in the United States.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping. Anything—wild animals, family pets, children—that comes in contact with a leghold trap is subjected to its bone-crushing force. Other, more discriminating trapping methods exist and should be used.

I think it is also instructive to note that well over 60 nations around the globe including all the nations of the European Community have already outlawed the use of this device and have also prohibited the sale of fur caught by leghold traps.

I should make it clear to my colleagues that I oppose the cruel treatment of any animal and support efforts to curb the unnecessary use of animals for purposes such as medical testing, especially when alternative testing procedures are available or when the tests are conducted for nonvital reasons and result in inhumane animal treatment. I do, however, support the humane use of animals which may provide crucial information for life-saving technologies when no other alternative testing mechanism exists.

ADDITIONAL COSPONSORS

S. 301

At the request of Mr. KYL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 301, a bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border patrol and customs service personnel from foreign countries.

S. 358

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 553

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 553, a bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1183, a bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the act, and for other purposes.

S. 1483

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1512

At the request of Mr. LUGAR, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1512, a bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

S. 1521

At the request of Mr. DOLE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1521, a bill to establish the Nicodemus National Historic Site in Kansas, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1669

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1669, a bill to name the Department of Veterans Affairs medical center in Jackson, MS, as the ''G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center''.

S. 1675

At the request of Mr. GRAMM, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. CAMPBELL], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1690

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1690, a bill to provide a grace period for the prohibition on Consolidated Farm Service Agency lending to delinquent borrowers, and for other purposes.

SENATE JOINT RESOLUTION 51

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that the George Washington University is important to the Nation and urging that the importance of the university be recognized and celebrated through regular ceremonies.

SENATE RESOLUTION 85

At the request of Mr. WYDEN, his name was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as ''National Correctional Officers and Employees Week.''

AMENDMENT NO. 3667

At the request of Mr. DORGAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Amendment No. 3667 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE CONCURRENT RESOLUTION 54—TO CORRECT THE ENROLLMENT OF THE BILL S. 735

Mr. HATCH submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 326 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under'' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of State''; and

(3) add the words ''the government of'' after ''engaged in a financial transaction with'';

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entirety and inserting:

''(d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulation that shall be published on or before January 1, 1997.''

SENATE CONCURRENT RESOLUTION 55—TO CORRECT THE ENROLLMENT OF THE BILL S. 735

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S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections.

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

Strike section 1605(g) of title 28, United States Code, proposed to be added by section 221 of the bill, and insert the following:

''(g) LIMITATION ON DISCOVERY.—

''(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

''(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

''(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

''(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

''(i) create a serious threat of death or serious bodily injury to any person;

''(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

''(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

''(3) EVALUATION OF EVIDENCE.—The court's evaluation of any request for a stay under this subsection filed by the Attorney General shall be conducted ex parte and in camera.

''(4) BAR ON MOTIONS TO DISMISS.—A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) of 56 of the Federal Rules of Civil Procedure.

''(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States.''.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 326 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

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In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of State'';

(3) add the words ''the government of'' after ''engages in a financial transaction with''.

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entirety and inserting:

''(d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulations that shall be published on or before January 1, 1997.''

SENATE CONCURRENT RESOLUTION 56—RECOGNIZING THE 10TH ANNIVERSARY OF THE CHORNOBYL NUCLEAR DISASTER

Mr. LAUTENBERG (for himself, Mr. DOLE, Mr. HELMS, Mr. PELL, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 56

Whereas April 26, 1996, marks the tenth anniversary of the Chornobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International Day Commemorating the Tenth Anniversary of the Chornobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chornobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chornobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chornobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chornobyl nuclear power plant by the year 2000 with adequate support from the G–7 countries and international financial institutions;

Whereas the United States strongly supports the closing of the Chornobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G–7 countries, and international financial institutions will meet at least annually to monitor implementation of the program to close Chornobyl: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chornobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G–7 countries to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chornobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chornobyl aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chornobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chornobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

Mr. LAUTENBERG. Mr. President, I rise to submit a resolution to commemorate the 10th anniversary of one of the most tragic, devastating events in the history of nuclear power—the Chernobyl nuclear disaster. The resolution also expresses Congress' unequivocal support for the closing of the Chernobyl nuclear power plant. I am pleased that Senators DOLE, HELMS, PELL, and LEVIN are joining me in submitting this resolution.

Friday, April 26, 1996, marks the 10th anniversary of the world's worst nuclear accident. Ten years ago, nuclear reactor No. 4 at Ukraine's Chernobyl nuclear power plant malfunctioned. The ensuing explosion and fire spewed a cloud of radiation across Europe, releasing 200 times more radioactivity than the atomic bombings of Hiroshima and Nagasaki combined.

The results were devastating. Millions of people were exposed to dangerously high levels of radiation.

Chernobyl's legacy is much more than the worst technological disaster in the history of nuclear power. It is a continuing humanitarian tragedy that will always be remembered the world over. The inhabitants of Ukraine, Belarus, and Russia continue to be heavily burdened by the social, economic, and health effects of the accident, and the entire international community continues to be threatened by the specter of another Chernobyl.

Ten years ago, millions of Ukrainians, Belarussians, and Russians, including over one million children and thousands of people who cleaned up after the explosion, were exposed to dangerously high levels of radiation. A 30-kilometer radius around Chernobyl was rendered uninhabitable. Families were forced from their homes. Most have never returned.

The tragic effects of this disaster have devastated millions. A 200-fold increase in thyroid cancer among children has ensued. Immune deficiency disorders, respiratory problems, and birth defects have increased at alarming rates since the disaster. The region's soil and water supplies have remained contaminated. Ukraine's economy has been overwhelmed by the costs of rebuilding.

Mr. President, the people of Chernobyl and Ukraine have not been alone in their efforts to overcome the tremendous loss. Numerous charitable and humanitarian organizations have assiduously worked to ameliorate the consequences of the Chernobyl disaster. Americans for Human Rights in Ukraine and the Children of Chernobyl Relief Fund, from my State of New Jersey, have lent considerable support to that effort along with many others in the Ukrainian-American community. These and millions of other Americans in New Jersey and elsewhere continue to provide valuable assistance to the victims of the Chernobyl disaster. All private organizations who have been at the forefront to help Ukraine deserve commendation for their tireless efforts to assist Cherbobyl's victims.

Unfortunately, more work needs to be done. Cherbobyl's two working reactors continue to churn out electricity. The protective concrete covering over the obliterated reactor No. 4, the sarcophagus, has developed cracks which dangerously weaken its structure. Corrosion of this structure threatens to release even more radioactivity into the region. Experts warn that another accident is imminent.

Just yesterday, a fire started within 10 kilometers of Cherbobyl. While initial assessments by specialists conclude that the abundant smoke produced by the fire may not pose further contamination dangers, all bets are off in the future. The region's inhabitants cannot be assured that radioactive particles which settled in the areas surrounding Cherbobyl after the accident will not be carried into their villages or water supplies. They cannot be assured that future fires or even floods will not release dangerous levels of contamination.

This event underscores the ongoing threat Cherbobyl poses to safety and the urgent need to close Cherbobyl forever.

On December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding supporting Ukraine's decision to close Cherbobyl by the year 2000 and the international community has pledged financial support to facilitate the closure. Last week, President Clinton met in Moscow with Ukrainian President Leonid Kuchma and leaders of other G–7 nations, and Ukraine reaffirmed its commitment to close Cherbobyl.

Support from the international community is vital to help Ukraine move forward and close Cherbobyl. Ukraine is working hard to implement open economic and social reforms, and its economy is strapped. At this very delicate time in Ukraine's history, the United States should support Ukraine's efforts to rebuild its infrastructure and to secure the alternative energy sources it needs to close Cherbobyl in a safe and expeditious manner.

Mr. President, the devastating health effects, social distress, and economic hardship remains in the hearts and minds of the people of Ukraine who lived through the Cherbobyl explosion. They cannot forget the radioactive blanket of despair that covered their homes and forced them from their villages. They cannot forget that their livelihoods have been destroyed. For their sake and for the sake of future generations, we should commemorate this event on April 26, 1996, and redouble our efforts to ensure that the devastation of 10 years ago will not be repeated.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 250—EXPRESSING THE SENSE OF THE SENATE REGARDING TACTILE CURRENCY FOR THE BLIND AND VISUALLY IMPAIRED PERSONS

Mr. BROWN (for himself, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 250

Whereas currency is used by virtually everyone in everyday life, including blind and visually impaired person;

Whereas the Federal reserve notes of the United States are inaccessible to individuals with visual disabilities;

Whereas the Americans with Disabilities Act enhances the economic independence and equal opportunity for full participation in society for individuals with disabilities;

Whereas most blind and visually impaired persons are therefore required to rely upon others to determine denominations of such currency;

Whereas this constitutes a serious impediment to independence in everyday living;

Whereas electronic means of bill identification will always be more fallible than purely tactile means;

Whereas tactile currency already exists in 23 countries world wide; and

Whereas the currency of the United States is presently undergoing significant changes for security purposes: Now, therefore, be it

Resolved, that the Senate—

(1) endorse the efforts recently begun by the Bureau of Engraving and Printing to upgrade the currency for security reasons; and

(2) strongly encourages the Secretary of the Treasury and the Bureau of Engraving and Printing to incorporate cost-effective, tactile features into the design changes, thereby including the blind and visually impaired community in independent currency usage.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SIMPSON AMENDMENT NO. 3722

Mr. SIMPSON proposed an amendment to amendment No. 3669 proposed by him to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

Strike all after the first word and insert:

214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following:': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.', and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3723

Mr. SIMPSON proposed an amendment to amendment No. 3670 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the first word and insert:

PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.TThe Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States Government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States Government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 110(a)(15)).

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3724

Mr. SIMPSON proposed an amendment to amendment No. 3671 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the first word and insert:

115A. FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9)(8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

''(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a)(8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3725

Mr. SIMPSON proposed an amendment to the motion to recommit proposed by him to the bill S. 1664, supra; as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith.

(1) After sec. 213 of the bill, add the following new section:

''SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

SIMPSON AMENDMENT NO. 3726

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendment to this instructions to the motion to recommit, insert the following new section:

SEC. PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). the Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney general and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIAPTION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) the Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SIMPSON AMENDMENT NO. 3727

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike the last word in the pending amendment and insert: ''Act (8 U.S.C. 110(a)(15)).

''SEC. . FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

'(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

SIMPSON AMENDMENT NO. 3728

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the last word in the amendment and insert: ''deportable.

''SEC. . VOTING BY ALIENS.

''(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18. United States Code, is amended by adding the following new section:

'§ 611. Voting by aliens

'(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

'(1) the election is held partly for some other purpose;

'(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

'(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.'

'(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both.';

''(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.'; and

''(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.'.''.

SIMPSON AMENDMENT NO. 3729

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the last word and insert the following ''deportable.

''USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F)(8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.', and

''(c) DEPORTTION OF STUDENT VISA ABUSERS.—Section 241(a)(8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3730

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the last word in the amendment and insert: ''enactment.

"SEC. .OPEN-FIELD SEARCHES.

(a) REPEAL.—Section 116 of Public Law 99–603 and section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) are repealed.

''(b) REDESIGNATION OF PROVISION.—Subsection (f) of section 287 of that Act is redesignated as subsection (e) of that section.''

ROBB (AND WARNER) AMENDMENT NO. 3731

(Ordered to lie on the table.)

Mr. ROBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CHANGES IN SPECIAL IMMIGRANT STATUS.

(a) REPEAL OF CERTAIN OBSOLETE PROVISIONS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking subparagraphs (B), (E), (F), (G), and (H).

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is further amended—

(1) by striking ''or'' at the end of subparagraph (J),

(2) by striking the period at the end of subparagraph (K) and inserting ''; or'', and

(3) by adding at the end the following subparagraph:

''(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

''(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference at the North Atlantic Treaty Organization (NATO);

''(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO–6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the 'Protocol on the Status of International Military Headquarters' set up pursuant to the North Atlantic Treaty or as a dependent); and

''(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the Immigration in the National Interest Act of 1995.''.

(c) CONFORMING NONIMMIGRANT STATUS FOR CERTAIN PARENTS OR SPECIAL IMMIGRANT CHILDREN.—Section 101(a)(15)(N) (8 U.S.C. 1101(a)(15)(N)) is amended—

(1) by inserting ''(or under analogous authority under paragraph (27)(L))'' after ''(27)(I)(i)'', and

(2) by inserting ''(or under analogous authority under paragraph (27)(L))'' and ''(27)(I)''.

(d) EXTENSION OF SUNSET FOR RELIGIOUS WORKERS.—Section 101(a)(27)(C)(ii) (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''1997'' and inserting ''2005'' each place it appears.

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 201(b)(1)(A) (8 U.S.C. 1151(b)(1)(A)) is amended by striking ''or (B)''.

(2) Section 203(b)(4) (8 U.S.C. 1153(b)(4)) is amended by striking ''or (B)''.

(3) Section 214(k)(3) (8 U.S.C. 1184(l)(3)), (3)(A), is amended by striking '', who has not otherwise been accorded status under section 101(a)(27)(H),''.

(4) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by striking ''101(a)(27) (H), (I),'' and inserting ''101(a)(27)(I),''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION.—The amendments made by subsection (a) shall not apply to any alien with respect to whom an application for special immigrant status under a subparagraph repealed by such amendments has been filed by not later than September 30, 1996.

SHELBY (AND OTHERS) AMENDMENT NO. 3732

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. COCHRAN, Mr. COVERDELL, Mr. FAIRCLOTH, Mr. HELMS, Mr. INHOFE, Mr. THOMAS, Mr. BYRD, Mr. COATS, Mr. GRAMS, Mr. LOTT, Mr. THURMOND, Mr. WARNER, and Mr. PRESSLER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LANGUAGE OF GOVERNMENT ACT OF 1996.

(a) SHORT TITLE.—This section may be cited as the ''Language of Government Act of 1996''.

(b) FINDINGS AND CONSTRUCTION.—

(1) FINDINGS.—The Congress finds and declares that—

(A) the United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds;

(B) the United States has benefited and continues to benefit from this rich diversity;

(C) throughout the history of the Nation, the common thread binding those of differing backgrounds has been a common language;

(D) in order to preserve unity in diversity, and to prevent division along linguistic lines, the United States should maintain a language common to all people;

(E) English has historically been the common language and the language of opportunity in the United States;

(F) Native American languages have a unique status because they exist nowhere else in the world, and in creating a language policy for the United States Government, due consideration must be given to Native American languages and the policies and laws assisting their survival, revitalization, study, and use;

(G) a purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States;

(H) by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States;

(I) the use of a single common language in the conduct of the Federal Government's official business will promote efficiency and fairness to all people;

(J) English should be recognized in law as the language of official business of the Federal Government; and

(K) any monetary savings derived by the Federal Government from the enactment of this Act should be used for the teaching of non-English speaking immigrants the English language.

(2) CONSTRUCTION.—The amendments made by subsection (c)—

(A) are not intended in any way to discriminate against or restrict the rights of any individual in the United States;

(B) are not intended to discourage or prevent the use of languages other than English in any nonofficial capacity; and

(C) except where an existing law of the United States directly contravenes the amendments made by subsection (c) (such as by requiring the use of a language other than English for official business of the Government of the United States), are not intended to repeal existing laws of the United States.

(c) ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERNMENT.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec.
''161. Declaration of official language of Government.
''162. Preserving and enhancing the role of the official language.
''163. Official Government activities in English.
''164. Standing.
''165. Definitions.

''§ 161. Declaration of official language of Government

''The official language of the Government of the United States is English.

''§ 162. Preserving and enhancing the role of the official language

''The Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the United States Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

''§ 163. Official Government activities in English

''(a) CONDUCT OF BUSINESS.—The Government shall conduct its official business in English.

''(b) DENIAL OF SERVICES.—No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Government solely because the person communicates in English.

''(c) ENTITLEMENT.—Every person in the United States is entitled to—

''(1) communicate with the Government in English;

''(2) receive information from or contribute information to the Government in English; and

''(3) be informed of or be subject to official orders in English.

''§ 164. Standing

''Any person alleging injury arising from a violation of this chapter shall have standing to sue in the courts of the United States under sections 2201 and 2202 of title 28, United States Code, and for such other relief as may be considered appropriate by the courts.

''§ 165. Definitions

''For purposes of this chapter:

''(1) GOVERNMENT.—The term 'Government' means all branches of the Government of the United States and all employees and officials of the Government of the United States while performing official businesses.

''(2) OFFICIAL BUSINESS.—the term 'official business' means those governmental actions, documents, or policies which are enforceable with the full weight and authority of the Government, but does not include—

''(A) use of indigenous languages or Native American languages, or the teaching of foreign languages in educational settings;

''(B) actions, documents, or policies that are not enforceable in the United States;

''(C) actions, documents, or policies necessary for international relations, trade, or commerce;

''(D) actions or documents that protect the public health or the environment;

''(E) actions that protect the rights of victims of crimes or criminal defendants;

''(F) documents that utilize terms of art or phrases from languages other than English;

''(G) bilingual education, bilingual ballots, or activities pursuant to the Native American Languages Act (25 U.S.C. 2901 *et seq.*); and

''(H) elected officials, who possess a proficiency in a language other than English, using that language to provide information orally to their constituents.''.

(2) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

''6. Language of the Government ..... **161''.**

(d) PREEMPTION.—This section (and the amendments made by this section) shall not preempt any law of any State.

(e) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect upon the date of enactment of this Act, except that no suit may be commenced to enforce or determine rights under the amendments until January 1, 1997.

FAIRCLOTH AMENDMENT NO. 3733

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

KENNEDY AMENDMENT NO. 3734

Mr. KENNEDY proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place add the following:

SEC. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

KYL AMENDMENT NO. 3735

Mr. KYL proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the amendment add the following: Notwithstanding any other provision in this Act, section 154 shall read as follows:

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245,or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

BROWN AMENDMENT NO. 3736

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. . Pilot programs to permit bonding.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 States (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to permit aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits for the alien and the alien's family under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including

(1) criteria and procedures for——

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's family for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

DOLE (AND COVERDELL) AMENDMENT NO. 3737

Mr. COVERDELL (for Mr. DOLE, for himself and Mr. COVERDELL) proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the amendment, insert the following:

SEC. —. EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS—Section 101(a) (8) U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the Act

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Tuesday, April 30, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on Aviation Safety: Are FAA Inspectors Adequately Trained, Targeted, and Supervised?

COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 2, 1996, at 2:00 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 742, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; S. 879, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile headquarters segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; S. 1167, a bill to amend the Wild and Scenic Rivers Act to exclude the South Dakota segment from the segment of the Missouri River designated as a recreational river; S. 1168, a bill to amend the Wild and Scenic Rivers Act to exclude any private lands from the segment of the Missouri River designated as a recreational river; S. 1174, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System; and S. 1374, a bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, April 24, 1996, session of the Senate for the purpose of conducting a hearing on S. 1278 and Distance Learning.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 24, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, April 24, at 9:30 a.m., hearing room SD–406, on S. 1285, the Accelerated Cleanup and Environmental Recovery Act of 1996 (''Superfund''), as modified by an amendment in the nature of a substitute, Senate Amendment No. 3563, dated March 21, 1996.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 24, 1996, at 2:00 p.m., to hold a hearing.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, April 24, 1996, at 9:30 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMPSON. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the President's fiscal year 1997 budget proposals for veterans' programs. The hearing will be held on April 24, 1996, at 2:00 p.m., in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 24, 1996, at 9:00 a.m. to hold an open hearing on intelligence matters.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 24, 1996, at 3:00 p.m. to hold a closed mark-up.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Wednesday, April 24, and Thursday, April 25, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, April 24, 1996, at 2:00 p.m., in Senate Dirksen room 226, on ''The need for additional bankruptcy judgeships and the role of the U.S. trustee system''.

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

ADDITIONAL STATEMENTS

IN SOLIDARITY WITH ISRAEL TO FIGHT TERRORISM

• Mr. MACK. Mr. President, I submit for the RECORD the following American-Jewish Committee message of solidarity with Israel against terrorism. The message appeared as a full-page advertisement in the New York Times on March 17, 1996.

The message follows:

• We stand with Israel—in grief, in solidarity, in our resolve to fight terrorism.

Again and again, terrorists intent on destroying Israel and halting the Arab-Israeli peace process have taken their deadly toll of innocent lives. In the latest horrific attacks, scores have been killed: Israelis young and old; Jews and non-Jews; citizens and visitors, including two young Americans.

We stand as one in our condemnation of those who commit and assist such heinous acts. The murderers and their supporters serve no agenda other than blind, fanatical hatred. Israelis, Palestinians, the international community must act to stop these killers now. Through every practical means, the promoters of terror must be defeated, their pipelines of financial and logistical support choked off.

We stand as one with the people of Israel and Jews the world over in mourning the victims of terrorist murder—as we have stood with Israel in other times of peril, and in times of accomplishment and hope. We stand with Israel in its age-old quest for peace and security.

This is a time of sorrow and reflection for the people of Israel, and for all who seek peace. It is a time of challenge for a country that has maintained its commitment to peace and freedom under relentless attack. We stand with Israel—in grief, in solidarity, and in our resolve to fight terrorists committed to the death of innocents and the death of hope.

Rep. Neil Abercrombie, Hawaii.
Sen. Spencer Abraham, Michigan.
Rep. Gary L. Ackerman, New York.
Gov. George Allen, Virginia.
Rep. Robert E. Andrews, New Jersey.
Mayor Dennis W. Archer, Detroit.
Dr. Don Argue, President, National Association of Evangelicals.
Rep. Bob Barr, Georgia.
Rep. Thomas M. Barrett, Wisconsin.
Mayor Marion Barry, Washington, DC.
Rep. Herbert H. Bateman, Virginia.
Rep. Howard L. Berman, California.
Joseph Cardinal Bernardin, Archbishop of Chicago.
Sen. Joseph R. Biden, Jr., Delaware.
Prof. Thomas E. Bird, Queens College.
David Blewett, Executive Director, National Christian Leadership Conference for Israel.
Rep. Thomas J. Bliley, Jr., Virginia.
Rep. Robert A. Borski, Pennsylvania.
Prof. David M. Bossman, Seton Hall University.
Sen. Barbara Boxer, California.
Sen. Bill Bradley, New Jersey.
Rep. Sherrod Brown, Ohio.
Mayor Willie L. Brown, Jr., San Francisco.
Rep. Sam Brownback, Kansas.
Rep. John Bryant, Texas.
Rev. Alfred S. Burnham, Ecumenical and Interreligious Director, Archdiocese of Los Angeles.
Right Rev. John Burt, President, National Christian Leadership Conference for Israel.
Rep. Dave Camp, Michigan.
Sen. Ben Nighthorse Campbell, Colorado.
Mayor Bill Campbell, Atlanta.
Del. Eric Cantor, Virginia.
Rep. Benjamin L. Cardin, Maryland.
Gov. Mel Carnahan, Missouri.
David Chen, Executive Director, Chinese American Planning Council.
Mayor Emanuel Cleaver II, Kansas City.
Sen. William S. Cohen, Maine.
Robert E. Cooley, President, Gordon-Conwell Theological Seminary.
Dr. James H. Costen, President, Inter-Denominational Theological Center.
Rep. William J. Coyne, Pennsylvania.
Rep. Randy Cunningham, California.
Sen. Alfonse M. D'Amato, New York.
Rep. Pat Danner, Missouri.
Sen. Thomas A. Daschle, South Dakota, Senate Minority Leader.
Rep. Thomas M. Davis III, Virginia.
Rep. Rosa L. DeLauro, Connecticut.
Rep. Peter Deutsch, Florida.
Guarione M. Diaz, President, Cuban American National Council.
Rep. Julian C. Dixon, California.
Sen. Christopher J. Dodd, Connecticut.
Sr. Audrey Doetzel, N.D.S., Sisters of Our Lady of Zion.
Rep. Lloyd Doggett, Texas.
Sen. Robert Dole, Kansas, Senate Majority Leader.
Most Rev. John F. Donoghue, Archbishop of Atlanta.
Rep. Michael F. Doyle, Pennsylvania.
Rev. Robert F. Drinan, S.J., Professor, Georgetown University Law Center.
Rev. James M. Dunn, Executive Director, Baptist Joint Committee on Public Affairs.
Rev. Nicholas B. van Dyck, President, Religion in American Life.
Clint Eastwood Actor/Director, Los Angeles.
Gov. Jim Edgar, Illinois.
Rep. Eliot L. Engel, New York.
Gov. John Engler, Michigan.
Dr. Paul Eppinger, Executive Director, Arizona Ecumenical Council.
Rep. Anna Eshoo, California.
Rev. Dr. Robert A. Everett, Pastor, Emanuel United Church of Christ, Irvington, New Jersey.
Sen. Dianne Feinstein, California.
Juan A. Figueroa, President and General Counsel, Puerto Rican Legal Defense and Education Fund.
Rep. Thomas M. Foglietta, Pennsylvania.
Rep. Mark Foley, Florida.
Dr. James Forbes, Jr., Senior Minister, Riverside Church of New York.
Rep. Michael P. Forbes, New York.
Ken Foster, Chair, Palm Beach County Commission.
Rep. Jon D. Fox, Pennsylvania.
Rep. Barney Frank, Massachusetts.
Rep. Gary A. Franks, Connecticut.
Rep. Rodney P. Frelinghuysen, New Jersey.
Rep. Dan Frisa, New York.
Henry Louis Gates, Jr., Chairman, Department of African American Studies, Harvard University.
David Geffen, DreamWorks SKG, Los Angeles.
Rep. Sam Gejdenson, Connecticut.
Rep. Richard A. Gephardt, Missouri, House Minority Leader.
Rep. Benjamin A. Gilman, New York.
Rep. Newt Gingrich, Georgia, Speaker of the House.
Mayor Rudolph Giuliani, New York.
Gov. Parris N. Glendening, Maryland.
Rep. William F. Goodling, Pennsylvania.
Rep. Bart Gordon, Tennessee.
Joseph E. Gore, President and Executive Director, The Kosciuszko Foundation.
Sen. Slade Gorton, Washington.
Dr. Alfred Gottschalk, Chancellor, Hebrew Union College.
Sen. Bob Graham, Florida.
Mayor Nancy Graham, West Palm Beach.
Sen. Phil Gramm, Texas.
Gov. Bill Graves, Kansas.
E. Brandt Gustavson, President, National Religious Broadcasters.
Right Rev. Ronald H. Haines, Episcopal Bishop of Washington, DC.
Rep. Tony P. Hall, Ohio.
Rep. Lee H. Hamilton, Indiana.
Mayor Susan Hammer, San Jose.

Rep. James V. Hansen, Utah.
Rep. Jane Harman, California.
Mayor Elihu Harris, Oakland.
Rev. Linda B. Harter, Minister of Pastoral Care, Presbyterian Church of Falling Spring, Chambersburg, Pennsylvania.
Rev. Dr. William H. Harter, Pastor, Presbyterian Church of Falling Spring, Chambersburg, Pennsylvania.
Rep. Alcee L. Hastings, Florida.
Sen. Orrin G. Hatch, Utah.
Dr. John W. Healey, S.T.D., Director, Archbishop Hughes Institute, Fordham University.
Sen. Howell Heflin, Alabama.
Sen. Ernest F. Hollings, South Carolina.
Rep. Stephen Horn, California.
Dean Joseph C. Hough, Jr., Vanderbilt Divinity School.
Rep. Steny H. Hoyer, Maryland.
Most Rev. Howard J. Hubbard, Bishop of Albany.
Rep. Tim Hutchinson, Arkansas.
Archbishop Iakovos, Greek Orthodox Archdiocese of North and South America.
Sen. Daniel K. Inouye, Hawaii.
Rep. Tim Johnson, South Dakota.
Rep. Harry Johnston, Florida.
Elaine R. Jones, Director-Counsel, NAACP Legal Defense and Education Fund.
Sen. Nancy Landon Kassebaum, Kansas.
Jeffrey Katzenberg, DreamWorks SKG, Los Angeles.
Sr. Dorothy Ann Kelly, O.S.U., President, College of New Rochelle.
Rep. Sue W. Kelly, New York.
Hon. Jack Kemp, Washington, DC.
Sen. Edward M. Kennedy, Massachusetts.
Rep. Barbara B. Kennelly, Connecticut.
Sen. John F. Kerry, Massachusetts.
Rev. Diane C. Kessler, Executive Director, Massachusetts Council of Churches.
Rep. Peter T. King, New York.
Rep. Gerald D. Kleczka, Wisconsin.
Rev. Kenneth Kliever, Region Minister, American Baptist Churches of the Pacific Southwest.
Rep. Scott L. Klug, Wisconsin.
Rep. Joseph Knollenberg, Michigan.
Sen. Herbert H. Kohl, Wisconsin.
Dr. Norman Lamm, President, Yeshiva University.
Rev. Richard Land, President, Christian Life Commission of the Southern Baptist Convention.
Rep. Tom Lantos, California.
Rep. Tom Latham, Iowa.
Rep. Greg Laughlin, Texas.
Sen. Frank R. Lautenberg, New Jersey.
Rep. Rick Lazio, New York.
Rev. Christopher M. Leighton, Executive Director, Institute for Christian and Jewish Studies.
Most Rev. William J. Levada, Archbishop of San Francisco.
Sen. Carl Levin, Michigan.
Rep. John Lewis, Georgia.
Dr. David A. Lewis, President, Christians United for Israel.
Sen. Joseph I. Lieberman, Connecticut.
Brother James A. Liguori, C.F.C., President, Iona College.
Archbishop Oscar H. Lipscomb, Archdiocese of Mobile.
Rep. Nita M. Lowey, New York.
Gov. Michael Lowry, Washington.
Sen. Connie Mack, Florida.
Dean W. Eugene March, Louisville Presbyterian Theological Seminary.
Bernard Marcus, President and CEO, The Home Depot, Atlanta.
Rep. Frank R. Mascara, Pennsylvania.
Dr. Prema Mathai-Davis, National Executive Director, YWCA of the U.S.A.
Rep. Robert T. Matsui, California.
H. Carl McCall, Comptroller of New York.
Most Rev. Theodore E. McCarrick, Archbishop of Newark.
Rep. Karen McCarthy, Missouri.
Rep. Bill McCollum, Florida.
Rep. Paul McHale, Pennsylvania.
Rep. Cynthia McKinney, Georgia.
Msgr. John R. McMahon, St. Joan of Arc Roman Catholic Church, Boca Raton.
Rep. Marty Meehan, Massachusetts.
Rep. Carrie P. Meek, Florida.
Hon. Thomas Patrick Melady, Former Ambassador to the Vatican, President Emeritus, Sacred Heart University.
Rep. Jack Metcalf, Washington.
Rep. Jan Meyers, Kansas.
Hon. Kweisi Mfume, President and CEO, NAACP.
Sen. Barbara A. Mikulski, Maryland.
Rep. Dan Miller, Florida.
Gov. Zell Miller, Georgia.
Luis A. Miranda, President, Hispanic Federation of New York City.
Rep. James P. Moran, Virginia.
Rep. Constance A. Morella, Maryland.
Dr. Milton D. Morris, Vice President of Research, Joint Center for Political and Economic Studies.
Sen. Carol Moseley-Braun, Illinois.
Edward J. Moskal, President, Polish American Congress.
Sen. Daniel Patrick Moynihan, New York.
Sen. Patty Murray. Washington.
Rep. Jerrold Nadler, New York.
Rep. George R. Nethercutt, Jr., Washington.
Rev. Richard John Neuhaus, Editor in Chief, First Things.
Most Rev. John J. Nevins, Bishop of the Diocese of Venice, Florida.
Rep. David R. Obey, Wisconsin.
Most Rev. Thomas J. O'Brien, Bishop of Phoenix.
Rep. John W. Olver, Massachusetts.
Andrew P. O'Rourke, County Executive, Westchester County.
Rep. Frank Pallone, Jr., New Jersey.
Mario J. Paredes, Executive Director, Northeast Hispanic Catholic Center.
Rep. Ed Pastor, Arizona.
Gov. George E. Pataki, New York.
Rev. John T. Pawlikowski, O.S.M., Professor of Social Ethics, Catholic Theological Union.
Sen. Claiborne Pell, Rhode Island.
Rev. Kate Penfield, President, American Baptist Churches, U.S.A.
Most Rev. Daniel Pilarczyk, Archbishop of Cincinnati.
Jeanine Pirro, District Attorney, Westchester County.
Dr. Alvin F. Poussaint, Director, Judge Baker Children's Center, Boston.
Hugh B. Price, President and CEO, National Urban League.
Mayor Roxanne Qualls, Cincinnati.
Rep. Jim Ramstad, Minnesota.
Rep. Charles B. Rangel, New York.
Rep. Jack Reed, Rhode Island.
Dr. Ralph Reed, Executive Director, Christian Coalition.
Mayor Norman B. Rice, Seattle.
Mayor Edward G. Rendell, Philadelphia.
Gov. Tom Ridge, Pennsylvania.
Mayor Richard J. Riordan, Los Angeles.
Rep. Pat Roberts, Kansas.
Rep. Tim J. Roemer, Indiana.
Gov. Roy Romer, Colorado.
Rep. Ileana Ros-Lehtinen, Florida.
Bishop Catherine S. Roskam, Bishop Suffragan of New York.
Sen. William V. Roth, Jr., Delaware.
Fred Rotondaro, Executive Director, National Italian American Foundation.
Rep. Matt Salmon, Arizona.
Sen. Rick Santorum, Pennsylvania.
Rep. Thomas C. Sawyer, Ohio.
Rep. Jim Saxton, New Jersey.
Rep. Steven Schiff, New Mexico.
Rev. Theodore F. Schneider, Bishop, Metropolitan Washington, DC, Synod, ELCA.
Dr. Ismar Schorsch, Chancellor, Jewish Theological Seminary of America.
Rep. Patricia Schroeder, Colorado.
Mayor S.J. Schulman, White Plains.
Rep. Charles E. Schumer, New York.
Rep. E. Clay Shaw, Jr., Florida.
Dr. Franklin Sherman, Director, Institute for Jewish-Christian Understanding, Muhlenberg College.
Dr. James M. Shuart, President, Hofstra University.
Sen. Paul Simon, Illinois.
Rep. David E. Skaggs, Colorado.
Rep. Ike Skelton, Missouri.
Rev. Gary F. Skinner, Synod Executive, Synod of the Southwest Presbyterian Church (U.S.A.).
Rep. Louise McIntosh Slaughter, New York.
Rep. Linda Smith, Washington.
Sen. Olympia J. Snowe, Maine.
Sen. Arlen Specter, Pennsylvania.
Ann Stallard, National President, YWCA of the U.S.A.
David Steinberg, President, Long Island University.
Rep. Louis Stokes, Ohio.
Rep. Gerry E. Studds, Massachusetts.
Rep. Bart Stupak, Michigan.
Bishop Joseph M. Sullivan, Auxiliary Bishop, Diocese of Brooklyn.
Rt. Rev. William E. Swing, Episcopal Bishop of California.
Rep. Charles H. Taylor, North Carolina.
Rep. Frank Tejeda, Texas.
Dr. David A. Teutsch, President, Reconstructionist Rabbinical College.
Sr. Rose Thering, O.P., Executive Director, Emerita National Christian Leadership Conference for Israel.
Bishop Herbert Thompson, Jr., Bishop of the Episcopal Diocese of Southern Ohio.
Rep. Todd Tiahrt, Kansas.
Rep. Peter G. Torkildsen, Massachusetts.
Rep. Esteban E. Torres, California.
Rep. Robert G. Torricelli, New Jersey.
Rep. Edolphus Towns, New York.
Dr. Stephen Joel Trachtenberg, President, George Washington University.
Prof. Albert Truesdale, Nazarene Theological Seminary.
Rep. Nydia M. Velázquez, New York.
Dr. James L. Waits, Executive Director, Association of Theological Schools in the United States and Canada.
Dennis M. Walcott, President and CEO, New York Urban League.
Rep. James T. Walsh, New York.
Rep. Zach Wamp, Tennessee.
Rep. Mike Ward, Kentucky.
Rep. J.C. Watts, Jr., Oklahoma.
Rep. Henry A. Waxman, California.
Mayor Wellington E. Webb, Denver.
George Weigel, President, Ethics and Public Policy Center.
Gov. William F. Weld, Massachusetts.
Rep. Curt Weldon, Pennsylvania.
Sen. Paul Wellstone, Minnesota.
State Sen. Robert Wexler, Florida.
Prof. Roger Wilkins, George Mason University.
Gov. Pete Wilson, California.
Rep. Robert E. Wise, Jr., West Virginia.
Rev. R. Stewart Wood, Bishop of the Episcopal Diocese of Michigan.
Rep. Albert Wynn, Maryland.
Rep. Sidney R. Yates, Illinois.
Amb. Andrew Young, Atlanta.
Rep. C.W. Bill Young, Florida.
Raul Yzaguirre, President and CEO, National Council of La Raza.
Rep. Richard A. Zimmer, New Jersey.●

A FAIR FLAT TAX TO RALLY BEHIND

● Mr. SIMON. Mr. President, there is a great deal of talk about what we will

do long term to protect Social Security.

One relatively simple method of buttressing that fund and also putting the Federal Government in better financial shape is to follow the advice of former Massachusetts Gov. Michael Dukakis.

He had an op-ed piece recently in the Los Angeles Times that really makes sense, which I ask to be printed in the RECORD after my remarks.

The difficulty rests with our system of campaign financing. Those who benefit by the present system of not taxing incomes above $62,700 are the big contributors to our campaigns. Even if you do not buy the idea of lowering the Social Security tax, revising the exemption certainly makes our tax system a much more just system.

Mike Dukakis is right.

The article follows:

[From the Los Angeles Times, March 15, 1996]

A FAIR FLAT TAX TO RALLY BEHIND

(By Michael Dukakis)

Steve Forbes hoped to ride into the White House on a flat income tax with a low-earner exemption. He apparently had a lot of company, at least on the Republican side of the street.

Of course, when you look at it closely, the flat tax is nothing more than another attempt to give a huge tax break to wealthy taxpayers like Forbes. But it sounded good at least when he first proposed it, and it transformed him, at lest temporarily, into a serious challenger for the Republican nomination.

Suppose, however, that a candidate for the presidency ran on a plan for a flat tax with a high-earner exemption. We'd think he was out of his mind.

Yet that's exactly how the Social Security tax works. We pay a flat tax of 6.2% on every dollar we make, up to $62,700. All wages above that are tax exempt.

The high-earner exemption is as regressive as it sounds. And it's taking a huge chunk out of the wages of average working Americans. A worker making $60,000 a year pays eight times the rate paid by someone pulling in a half-million a year and 80 times the rate paid by someone making 5 million a year. To put it another way: A $60,000 earner pays 6.2% on all her earnings; a $500,000 earner pays the 6.2% on the first $62,700, which is 0.78% of all his earnings, and the earner of $5 million pays the same, which is 0.078% of his earnings.

It's bad enough that working middle class Americans are feeling less and less secure. For those lucky enough to still have a job in these days of massive corporate downsizing, the Social Security tax is the unkindest cut of all.

In fact, more than half the people in this country pay more in Social Security taxes than they do in income taxes. And you can bet they aren't among the wealthiest 20% to whom virtually all income growth has gone since 1980.

What can we do about it? It's a simple as it is common sense. Get rid of the high-earner exemption, cut the Social Security tax rate and apply it to all earned income—just what the flat-taxers say they want to do to the income tax.

If we made this one move, the Social Security flat tax rate would decrease by 12%. Everyone earnings less than $82,000—that's more than 97% of American workers—would get a tax break. It wouldn't increase the federal deficit one dime. But it would eliminate the necessity for the kind of tax cut that budget negotiators are wrestling with, which would add billions to the deficit.

Lower taxes for the overwhelming majority of working Americans. Heightened fairness. A fiscally responsible tax cut for the middle class. These are the goals that all fair-minded Republicans and Democrats should be able to support.

Of course, people like Steve Forbes would have to pay the same rate as the rest of us. But wasn't that the principle behind the flat tax in the first place?●

TERM LIMITS

● Mr. MURKOWSKI. Mr. President, yesterday the Senate failed to invoke cloture on the resolution that would have allowed the States to decide whether the Constitution should be amended to impose term limits on Congress. I supported invoking cloture and I want to express my disappointment that we were not able to limit debate on this important issue.

Mr. President, in 1994, 63 percent of Alaskans who voted cast their ballot in favor of congressional term limits. I want to explain why I support the resolution and also cite some reservations I have concerning this idea.

As a majority of Alaskan voters believe, term limits may indeed provide for the infusion of fresh ideas and new perspectives through the Halls of Congress. Term limits may also make Congress more responsive to its constituents; decrease the possibility of corruption that some see as stemming from longevity in office; and enhance the role of merit, rather than seniority, in the distribution of power.

However, term limits unquestionably restrict the ability of voters to vote for whom they wish, thereby indiscriminately terminating the public service work of both good legislators and bad legislators, alike.

Term limits would remove many of the most competent and experienced Members from office prematurely, thereby destroying the so-called institutional memory. The only individuals who would retain an institutional memory would be professional staff. Term limits may very well enhance their ability to shape legislation and become entrenched as the permanent bureaucracy of Capitol Hill.

Similarly, the professional lobbyists in Washington may also find their influence with Members of Congress improved, as they are far more familiar with the details of issues affecting their industries than new Members of Congress.

Finally, I would note that term limits could well diminish the influence of Senators and Congressmen from States with small populations, such as Alaska. I am especially concerned that term limits in the House will increase the power of States like California, Texas, and New York, which have delegations as large as 52 Members as opposed to States such as Alaska and Wyoming, each of which only has one Representative.

Despite my reservations, Mr. President, the people of Alaska have clearly indicated their preference for term limits and I abide by that decision. I would support the constitutional term limit amendment because it would establish a uniform term-limit rule which would apply to all 50 States.

Uniformity among States is imperative not only because the Supreme Court has ruled that individual States cannot constitutionally limit mandated uniformity, but also because States with term limits would be placed at a serious disadvantage in the Congress with States that do not limit Members' terms.

A uniform term-limit amendment would place all 50 States on equal footing in representing constituents in Congress and that is why I support such an amendment. I will therefore vote in favor of the constitutional amendment approach to term limits to ensure that Alaskans are guaranteed equal representation in the Congress.

I hope the majority leader will be able to bring this measure back before the Senate this year so that we can bring this issue to a final vote.●

TRIBUTE TO RON VAN DE HEY

● Mr. KOHL. Mr. President, today I would like to honor Ronald Van De Hey for his outstanding service to Outagamie County and the entire Fox Valley area as he resigns from his position as county executive. Ron started his career in public service as a school board member in 1972. In 1982 he was elected mayor of Kaukauna, where he served for 9 years. His experience as mayor made him an excellent choice for the position of Outagamie County executive, where he has served with distinction since 1991.

Ronald Van De Hey has always had a strong commitment to the people of his community. He was active not only in his elected positions but as a member of charitable and professional organizations as well. Foremost in Ron's mind was always the desire to improve the lives of his fellow citizens.

His colleagues will remember his diplomatic manner. His ability to work with people on all sides of an issue and achieve a compromise everyone can feel good about will be sorely missed. While Ron was flexible, he also knew when to stick to his guns and rely on the strength of his convictions. In the role of the executive he was willing to make the tough decisions, even when it was not the popular thing to do.

Ronald Van De Hey is an excellent illustration of the quality people who serve in local government. He has set an example of public service, not only for other county officials, but for everyone who holds elected office at the local, State or Federal level.

I wish him all the best in his future endeavors. I am sure he will continue to be a valuable asset to the Fox Valley area.●

WOUND, OSTOMY AND CONTINENCE NURSES SOCIETY

● Mr. GORTON. Mr. President, I am pleased to welcome the Wound, Ostomy and Continence Nurses Society [WOCN] to Seattle, WA, June 15–19, for their 28th annual conference. The theme of the conference, ''The Future Is Ours To Create.'' will focus on future opportunities and challenges relating to the changing and expanding role of enterostomal therapists [ET] nurses and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, the WOCN is the only national organization for nurses who specialize in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. WOCN, an association of ET nurses, is a professional nursing society which supports its members by promoting educational, clinical, and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies, and incontinence.

In this age of changing health care services and skyrocketing costs, the WOCN nurse plays an integral role in providing cost-effective care for their patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I am honored that WOCN has chosen Seattle to host its conference and wish them every success.●

SEA-LAND CELEBRATES 30 YEARS OF SERVICE IN CHARLESTON

● Mr. HOLLINGS. Mr. President, I would like to pay tribute to the contribution of Sea-Land Services to the city of Charleston over the past 30 years. Not only my hometown, but the entire State of South Carolina has benefited from the services of this company.

Sea Land's founder, Malcolm McLean, is the father of modern containerization. It was his idea to use standardized boxes for shipping goods internationally by sea. By limiting the handling of a container's contents, this technique afforded rapid, safe, and inexpensive transportation of goods all over the world, thus having a profound impact on world trade and economic development. It is a simple concept, containerization of goods to be handled only at their origin and their destination, but it is one of the more important innovations in recent history.

Since its arrival in 1966, Sea-Land has enjoyed a prosperous relationship with the city of Charleston. It has expanded to meet the growing trade needs of South Carolinians, and now moves cargo to and from more than 35 countries. In 1966, Sea-Land's containership, *Gateway City*, first sailed into Charleston harbor; 30 years later, Charleston's container cargo has grown from 80,000 tons to over 8.2 million tons, with the value growing from $512 million to more than $20 billion.

Charleston's efficient inland links and close access to the open sea led other steamship companies to follow Sea-Land's lead and make the city their south Atlantic base of operations. The trading potential offered by these ocean carriers has opened markets around the world for U.S. products. Cargo ships provide many opportunities for economic development in the regions they serve.

Due to the relatively transparent movement of goods these days, few people realize that 95 percent of our international trade moves by ship. This is a tribute to the success of containerization and the transportation industry. The effects of Sea-Land's contribution to the shipping industry go beyond Charleston to the entire State and the Southeast. Manufacturers in 26 States use the extensive shipping services in Charleston. The trade relationships that Sea-Land makes possible bring countries together across the world.

The State of South Carolina has enjoyed tremendous economic growth recently, attracting interest and investments from all over the globe. Without the capital commitments of our ports and ocean carriers like Sea-Land, this would not be possible. We appreciate the continued commitment Sea-Land has made to our area and look forward to another 30 prosperous years.●

CONGRATULATIONS TO DR. MAHMOUD FAHMY

● Mr. ABRAHAM. Mr. President, I rise today to offer my warm congratulations to Dr. Mahmoud H. Fahmy of Dallas, PA who will be honored by his colleagues, friends, and family at a testimonial dinner this evening. Dr. Fahmy has recently retired from Wilkes University in Wilkes-Barre, PA where he spent 30 years of his professional life. Although formally retired from Wilkes University, Dr. Fahmy is currently the President of his own business, serves as chairman of the Luzerne County Community College Board of Trustees, and is a member of countless community service organizations.

I have had the pleasure of personally knowing Dr. Fahmy and appreciating his dedication, not only to domestic educational endeavors, but to international projects as well. Dr. Fahmy's exemplary duty and service to the community at large has earned him the great respect of his colleagues, friends, and family. I would like to join them in commending him for his dedication to his community and to his profession. Dedicating one's career to education is something very special and should be recognized by all of us who enjoy the fruits of this great country.

The State of Pennsylvania is very lucky to have Dr. Fahmy amongst its citizens, and should be very proud of his accomplishments. I would like to conclude by extending to him my best wishes for a happy retirement and much success in his future endeavors.●

COMMEMORATION OF THE ARMENIAN VICTIMS

● Mr. FEINGOLD. Mr. President, I join my colleagues again this year in remembering today the 1.5 million Armenians who died in 1915 in the hands of the Ottoman Empire. These Armenians were victims of a policy explicitly intended to isolate, exile, and even extinguish the Armenian population. As we look at world events today—in Bosnia, Rwanda, and elsewhere—we must remember the events of 1915, with the hope that with history as a guide, humanity will not engage in such brutality again.

We will also learn from history that America served as a haven for those Armenians fleeing persecution. At the time of the atrocities, America spoke out in defense of a defenseless people, and provided massive amounts of humanitarian assistance to the Armenian people. Today, America still leads the world in championing human rights, and our shores offer refuge to those fleeing persecution throughout the world. On days like today, we must remember what we stand for, and ensure that the U.S. continues to be a beacon of strength and hope for the heroes that stand up and survive such atrocities.

I compliment President Clinton on his commitment to the Armenian cause, and I am proud to join him and my colleagues today in commemorating this import ant occasion.●

Mr. BIDEN. Mr. President, the city of Washington, DC, is blessed this week with the presence of some of the most dedicated people in America—its teachers. Each state's Teacher of the Year is visiting Washington to be honored for their top notch work in educating our children.

As a husband of a teacher, I know how some people view the teaching profession. I have heard all of the jokes. And, I have read the articles—including some recent ones—deriding the Nation's teaching force and claiming that teachers are the root of our educational problems.

Well, Mr. President, the Teachers of the Year that are here this week should dispel those myths. These teachers are simply among the best and the brightest our Nation has to offer.

For most of us, there was at least one teacher along the way who touched us, who motivated us, who inspired us. A teacher who was more than just a body at the blackboard. For students in the Indian River School District in my State of Delaware, one of those teachers is Darryl Hudson. He is Delaware's Teacher of the Year, and I want to congratulate him and take just few minutes to honor him.

Mr. Hudson—named the top teacher among over 6,000 public school teachers

in Delaware—teaches seventh grade science at Sussex Central Middle School in Millsboro, DE. And, although I have never experienced his teaching first hand, I think the biggest testament about what he does in the classroom comes from what his fellow teachers say about him. They talk admiringly of the energy he brings to school each day, of his dedication to educating all children, and of the uplifting inspiration he provides to staff, parents, and most importantly, the students.

But, as is the case with many teachers, Mr. Hudson's involvement in and dedication to education go beyond the classroom. He is a cooperative teacher for Salisbury State University students, a member of the New Directions Educator Corps, and a Mentor for a Wilmington College student.

I should also note that we in Delaware are proud that Mr. Hudson is a product of our own higher education system. In fact, he and I are both Fightin' Blue Hens. For my colleagues who do not know, that means we are both graduates of the University of Delaware. He received his masters degree from Wilmington College. And, at the same time he is teaching seventh graders—a daunting task in and of itself, in my view—he continues to pursue his own education at Salisbury State University just across the Delaware border in Maryland.

Mr. President, a moment ago, I mentioned the way in which a teacher has inspired almost every one of us. And, to give you a perfect illustration of the power of a teacher to mold a mind and build a citizen, Mr. Hudson—a teacher—was himself inspired by a teacher. He says that his sixth grade teacher had more influence on him than anyone else outside his immediate family. And, now, he is having that same influence on countless others.

Again, I want to congratulate Darryl Hudson on his selection as Delaware Teacher of the Year.

PREPARING STUDENTS FOR THE COMING CENTURY

• Mr. SIMON. Mr. President, every study that is made suggests that the United States has to do a better job in the field of education.

No one disputes it.

And yet at the congressional level and candidly also at the State level we are going along blissfully ignoring this reality, mouthing pious statements about education, but not really doing much.

One of many economists who has been telling us that we have to do better in the field of education is Lester Thurow of the Massachusetts Institute of Technology and probably the most widely read economist in the country.

He is also one of the most thoughtful.

Recently in the Washington Post he had an article titled ''Preparing Students for the Coming Century,'' which I asked to be printed in the RECORD after my remarks.

I am sure some of my colleagues read it, but since it was in the Education Section of the Sunday edition of the Washington Post, some of you may not have read it.

It is worth reading for Senators, for House Members, for staffers, and for anyone who may pick up a CONGRESSIONAL RECORD and go through it. The article follows:

[From the Washington Post, Apr. 7, 1996]

PREPARING STUDENTS FOR THE COMING CENTURY

(By Lester C. Thurow)

Consider an alphabetical list of the 12 largest companies in America at the turn of the 20th century: the American Cotton Oil Company, American Steel, American Sugar Refining Company, Continental Tobacco, Federal Steel, General Electric, National Lead, Pacific Mail, People's Gas, Tennessee Coal and Iron, U.S. Leather and U.S. Rubber. Ten of the 12 were natural resource companies. The economy then was a natural resource economy, and wherever the most highly needed resources were to be found, employment opportunities would follow.

In contrast consider the list made 90 years later by the Japanese Ministry of International Trade and Industry, enumerating what it projected to be the most rapidly growing industries of the 1990s: microelectronics, biotech, the new material-science industries, telecommunications, civilian aircraft manufacturing, machine tools and robots, and computers (hardware and software). All are brainpower industries that could be located anywhere on the face of the earth. Where they will take root and flourish depends upon who organizes the brainpower to capture them. And who organizes the power most efficiently will depend on who educates toward that objective best.

But back to the industries for the moment: Think of the video camera and recorder (invented by Americans), the fax (invented by Americans), and the CD player (invented by the Dutch). When it comes to sales, employment and profits, all have become Japanese products despite the fact that the Japanese did not invent any of them. Product invention, if one is also not the world's low-cost producer, gives a country very little economic advantage. Being the low-cost producer is partly a matter of wages, but to a much greater extent it is a matter of having the skills necessary to put new things together.

Wages don't depend on an individual's skill and productivity alone. To a great extent they reflect team skills and team productivities. The value of any single person's knowledge depends upon the smartness with which that knowledge is used in the overall economic system—the abilities of buyers and suppliers to absorb that individual's skills.

In an era of brainpower industries, however, the picture is even more complicated: The economy is a dynamic economy always in transition—the companies that do best are those able to move from product to product within technological families so quickly that they can always keep one generation ahead. Keeping one jump ahead in software, for instance, Bill Gates's Microsoft had a net income running at 24 percent of sales in 1995.

If a country wants to stay at the leading edge of technology and continue to generate high wages and profits, it must be a participant in the evolutionary progress of brainpower industries so that it is in a position to take advantage of the technical and economic revolutions that occasionally arise. Knowledge has become the only source of long-run sustainable competitive advantage. Recent studies show that rates of return for industries that invest in knowledge and skill are more than twice those of industries that concentrate on plant and equipment. In the past, First World citizens with Third World skills could earn premium wages simply because they lived in the First World. They had more equipment, better technology and more skilled co-workers than those who lived in the Third World. But that premium is gone. Today's transportation and communications technologies have become so sophisticated that high-wage skilled workers in the First World can work together effectively with low-wage unskilled workers in the Third World. America's unskilled now get paid based on their own abilities and not on those of their better-trained co-workers.

Industrial components that require highly skilled manufacturers can be made in the First World and then shipped to the Third World to be assembled with ''low skill'' components. Research and design skills can be electronically brought in from the First World. Sales results can be quickly communicated to the Third World factory, and retailers know that the speed of delivery won't be significantly affected by where production occurs. Instant communications and rapid transportation allow markets to be served effectively from production points on the other side of the globe.

Multinational companies are central in this process: Where they develop and keep technological leadership will determine where most of the high-level jobs will be located. If these firms decide to locate their top-wage leadership skills in the United States, it will not be because they happen to be American firms but because America offers them the lowest cost of developing these skills. The decisions will be purely economic. If America is not competitive in this regard, the market will move on. The countries that offer companies the lowest costs of developing technological leadership will be the countries that invest the most in research and development, education and infrastructure (telecommunications systems, etc.).

If the person on a loading dock runs a computerized inventory-control system in which he logs delivered materials right into his hand-held computer and the computer instantly prints out a check that is given to the truck driver to be taken back to his firm (eliminating the need for large white-collar accounting offices that process purchases), the person on the loading dock ceases to be someone who just moves boxes. He or she has to have a very different skill set.

Factory operatives and laborers used to be high school graduates or even high school dropouts. Today 16 percent of them have some college education and 5 percent have graduated from college. Among precision production and craft workers, 32 percent have been to or graduated from college. Among new hires those percentages are much higher. In the last two decades, the linkage between math abilities and wages has tripled for men and doubled for women.

The skill sets required in the economy of the future will be radically different from those required in the past. And the people who acquire those skill sets may not be the unskilled workers who currently live in the first world. With the ability to make anything anywhere in the world and sell it anywhere else in the world, business firms can ''cherry pick'' the skilled or those easy (i.e., cheap) to teach wherever they live. American firms don't have to hire an American high school graduate if that graduate is not world-class. His or her educational defects are not their problem. Investing to give the necessary market skills to a well-educated Chinese high school graduate may well end

up being a much more attractive (i.e., less costly) investment than having to retrain an American high school dropout or a poorly trained high school graduate.

Take Korea for example. In a global economy, what economists know as ''the theory of factor price equalization'' holds that an American worker will have to work for wages commensurate with a Korean's wages unless he works with more natural resources than a Korean (and no American can, since there is now a world market for raw material to which everyone has equal access); unless he has access to more capital than a Korean (and no American can since there is a global capital market where everyone borrows in New York, London and Tokyo); unless he has more skilled co-workers than a Korean (and no American can claim to since multi-national companies can send needed knowledge and skills anywhere in the world); and unless he has access to better technology than a Korean (and few Americans have, since reverse engineering—tearing a product apart to learn how it is made—has become an international art form, highly refined in Korea). Adjusted for skills, Korean wages will rise and American wages will fall until they equal each other. At that point, factor price equalization will have occurred.

The implications for the future are simple. If America wants to generate a high standard of living for all of its citizens, skill and knowledge development are central. New brainpower industries have to be invented and captured. Organizing brainpower means not just building a research and development system that will put us on the leading edge of technology, but organizing a top-to-bottom work force that has the brainpower necessary to make us masters of the new production and distribution technologies that will allow us to be the world's low-cost producers.

To do this will require a very different American educational system. And building such a system is the new American challenge.

Progress has to start by ratcheting up the intensity of the American high school. The performance of the average American high school graduate simply lags far behind that found in the rest of the industrial world. Those Americans who complete a college course of study end up catching up (the rest of the industrial world doesn't work very hard in the first couple of years of university education), but three quarters of the American work force doesn't ever catch up.

The skill gap doesn't end there. Non-college-bound high school graduates elsewhere in the industrial world go on to some form of post-graduate skill training. Germany has its famous apprenticeship system; in France every business firm by law has to spend one percent of its sales revenue on training its work force; and with lifetime employment as a fact of life, Japanese companies invest heavily in the work force's skills since they know that it is impossible to hire skilled workers from the outside. In America, government-funded programs are very limited in nature, and, with high labor-force turnover rates, American companies quite rationally don't want to make skill investments in people who will leave and take their skills elsewhere. The net result is a compounded skill gap for those Americans who do not graduate from college. Closing this gap and giving the country a competitive edge should be America's number one educational priority.●

ARMENIAN GENOCIDE

● Mrs. BOXER. Mr. President, I rise today to commemorate the anniversary of a most tragic chapter in history—the genocide of the Armenian people. Eighty-one years ago today, the Ottoman Empire began the systematic elimination of the people of Armenia. It is of paramount importance that we recall this horrible time so that it will never be repeated.

On April 24, 1915, the Ottoman Empire began arresting hundreds of political, religious, and intellectual leaders throughout Anatolia. In the following 2 years, the Ottoman regime carried out a systematic, premeditated, centrally planned genocide, taking the lives of approximately 1.5 million people.

The Armenian genocide remains one of the most horrifying events in human history. Armenians perished from execution, starvation, disease, physical abuse, and exposure to a harsh environment. More than 500,000 people were forced from their homes, and within a few years, the entire Armenian population had been either killed or exiled.

On May 28, 1918, the Armenians were able to defeat a Turkish attack, with the help of volunteers from abroad. They gained freedom for a brief period, but in 1920 the Soviet Union joined the Ottoman Empire and subjugated the Armenians once again. It was not until 1991, after the breakup of the Soviet Union, that independence was restored and the Republic of Armenia was born.

I salute the Armenian people for their strength and courage. Yet even though they have gained independence, their struggle still continues. To this day, many people continue to refute the facts of the Armenian Genocide. We cannot let the suffering inflicted upon the armenian people be forgotten or denied. Only through remembrance can we prevent ourselves from repeating the horrors of the past.

The Armenian tragedy is the world's tragedy, and we must work together to discourage prejudice, to end discrimination, and to prevent genocide at all costs. In a country where we so often take our liberty for granted, we must renew our commitment to preserving the freedom of others.●

CARLSBAD CAVERNS NATIONAL PARK

● Mr. BINGAMAN. Mr. President, in December 1994, Congress received the National Cave and Karst Research Institute study from the National Park Service. The report studied the feasibility of creating a National Cave and Karst Research Institute in the vicinity of Carlsbad Caverns National Park, NM, as directed by Public Law 101–578. Today, I am here to introduce a bill which follows the guidelines of that report and which will establish the National Cave and Karst Research Institute in Carlsbad, NM.

While other Nations have recognized the importance of cave resource management information and have sponsored cave and karst research, the United States has failed, until recently, to appreciate or work to understand cave and karst systems and their importance. As we approach the 21st century, the protection and management of our water resources has been identified as one of the major issues facing the world. In America, the majority of the Nation's fresh water is ground water—of which 25 percent is located in cave and karst regions.

Recent studies have also indicated that caves contain valuable information related to global climate change, waste disposal, ground water supply and contamination, petroleum recovery, and biomedical investigations. Caves provide a unique understanding of the historic events of humankind. Further they are considered sacred and have religious significance for American Indians and other Native Americans.

According to the Federal Cave Resources Protection Act, karst is defined as a landform characterized by sinkholes, caves, dry valleys, fluted rocks, enclosed depressions, underground streamways and spring resurgences. As a whole, 20 percent of the United States is karst. In fact, east of central Oklahoma, 40 percent of the country is karst. Our National Park System manages 58 units with caves and karst features, yet academic programs on these systems are virtually nonexistent. Most research is conducted with little or no funding and the resulting data is scattered and often hard to locate. The few cave and karst organizations and programs which do exist, have substantially different missions, locations and funding sources and there is no centralized program to analyze data or determine future research needs.

In 1988 Congress directed the Secretaries of the Interior and Agriculture to provide an inventory of caves on Federal lands and to provide for the management and dissemination of information about the caves. That directive has served only to make Federal land management agencies more aware of the need for a cave research program and a repository for cave and karst resources. In 1990, Congress further directed the Secretary of the Interior, through the Director of the National Park Service, to establish and administer a Cave Research Program and prepare a proposal for Congress on the feasibility of a centralized National Cave and Karst Research Institute.

The National Cave and Karst Research Institute Study Report to Congress was released in December 1994 and not only supports establishing the Institute, but lists several serious threats to continued uninformed management practices.

Threats such as: alterations in the surface water flow patterns in karst regions, alterations in or pollution of water infiltration routes, inappropriately placed toxic waste repositories and poorly managed or designed sewage systems and landfiles. The findings of the report conclude that it is only through a better understanding of cave

resources that we can prevent detrimental impacts to America's natural resources and cave ecosystems.

The goals of the National Cave and Karst Research Institute, as outlined in the report, would be to further the science of speleology, to centralize speleological information, to further interdisciplinary cooperation in cave and karst research programs, and to promote environmentally sound, sustainable resource management practices. These goals would work hand in hand with the proposed objectives of the Institute to establish a comprehensive cave and karst library and information data base, to sponsor national and international cave and karst symposiums, to develop long term research studies, to produce cave-related educational publications and to develop cooperative agreements with all Federal agencies having cave management responsibilities.

The vicinity of Carlsbad Caverns National Park is ideal due to the community support which already exists for the establishment of the institute and the diverse cave and karst resources which are found throughout the region.

Carlsbad, NM, has grown from a small railroad stop on what is now the Santa Fe Railroad to a growing city with a population of over 170,000 in the tri-county area. It continues to attract new businesses, small manufacturers, retirees and research facilities, including the U.S. Department of Energy's Carlsbad area office. In addition, Carlsbad Caverns National Park attracts over 700,000 visitors per year.

The National Cave and Karst Research Institute would be jointly administered by the National Park Service and another public or private agency, organization, or institution as determined by the Secretary. The Carlsbad Department of Development [CDOD], after reviewing the National Cave and Karst Research Institute study report, has developed proposals to obtain financial support from available and supportive organizational resources, including personnel, facilities, equipment and volunteers. They further believe that they can obtain serious financial support from the private sector and would seek a matching grant from the State of New Mexico equal to the available Federal funds.

Carlsbad already has in place many of the needed cooperative institutions, facilities and volunteers that will work toward the success of the National Cave and Karst Institute. I strongly urge my colleagues to support this legislation to increase our understanding of cave and karst systems.●

ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. D'AMATO. Mr. President, I rise to call my colleagues' attention to the solemn anniversary of the Armenian genocide. In 1915, the Ottoman Turkish Government launched an extermination campaign against all Armenians on its territory. The result of that gruesome policy was the death of about 1.5 million people, the destruction of a once flourishing community, and the scattering of the survivors around the globe.

Many Armenians came to America, where they have rebuilt their communities, prospered and become a vital part of the American body politic. They have nurtured our democracy, while maintaining their traditions and always remembering the circumstances that forced them from their homeland. Meanwhile, their brothers and sisters in Armenia endured communism and Joseph Stalin, but despite the different fates of these two communities, they remained stubbornly and proudly Armenian, even when contact between them was difficult.

In 1991, Armenia became an independent country and has worked hard to consolidate its independence since then. Today Armenia is a respected member of the international community, its progress toward democratization and economic well-being promoted by the worldwide Armenian Diaspora and by supportive governments, especially the United States.

Independence confers freedom, but not necessarily freedom from hardship. Apart from the devastating December 1988 earthquake, Armenia has also endured the consequences of the Nagorno-Karabakh conflict and the adversities caused by blockades imposed by neighboring Azerbaijan and Turkey. Happily, the Nagorno-Karabakh cease-fire has held since May 1994, offering grounds to hope that the conflict will be peacefully resolved in the foreseeable future. All the parties to this dispute must pursue its peaceful resolution through the OSCE process, and with active American involvement, bring about a lasting, stable peace.

In the spirit of reconciliation and looking ahead to Armenia's future, President Ter-Petrossyan said in Washington last year that ''Armenia has no enemies.'' All of us who are friends of Armenia are working for precisely that future, for an Armenia without enemies, while remembering the victims of the Armenian Genocide.

Mr. President, in light of the fact that, for the first time since World War II, there are international tribunals investigating two current genocides, one in Bosnia and one in Rwanda, it is very important that all of us remember the first genocide of the 20th century, and dedicate ourselves to the proposition that there will be no new genocides in the future.●

81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Ms. MIKULSKI. Mr President, 81 years ago today one of the most horrific events of our century began. On this day in 1915, hundreds of Armenian political and religious leaders were arrested, taken to the Turkish interior, and executed. This began a terrible chapter of history—the Armenian genocide.

In the 8 years that followed, over a million Armenians were killed at the hands of the Ottoman authorities. Men, women, and children were brutally taken from their homes to be abused and killed in mass slayings. Others were rounded-up and marched for weeks through the Syrian desert where many more perished. Symbols of culture—churches, libraries, and towns—were razed.

On this, the 81st anniversary of the Armenian genocide, we must remember and we must speak out.

Many call this tragedy ''the forgotten genocide''. In our world of terror and continued upheaval it is essential that we never forget. We must remember our history and the lesson of the Armenian genocide. As Americans blessed with security and freedom, we must never let oppression and persecution pass without loud condemnation. By remembering the Armenian genocide, we renew our ongoing commitment to fight for human dignity and freedom throughout the world.

We must also honor the Armenians throughout the world who left their homes in tragedy. They have maintained their proud culture and traditions throughout the world. Their strength and perseverance is a triumph of the human spirit. We should specifically recognize those Armenians who fled from their homes and into our communities. Today we thank them for their invaluable contributions to our society.

Even today, the Armenian people are living under a unfair and unjust blockade preventing needed humanitarian aid. Last year, the Congress enacted the Humanitarian Aid Corridor Act that would prohibit U.S. aid to countries that prevent our humanitarian aid from reaching places in need. I was proud to support this act and see it signed into law.

Despite a long history of pain, persecution, and tragedy, the Armenian people have shown remarkable strength, pride, and resilience. We as Americans are proud of their contributions to our society. We will always remember their tragedy and we salute their achievements.●

HONORING THE VOLUNTEERS OF HOSPICE CARE, INC.

● Mr. LIEBERMAN. Mr. President, today I would like to recognize the volunteers of Hospice Care, Inc. in southwestern Fairfield County, CT. For 15 years Hospice Care has provided care and comfort to people with terminal illnesses. But beyond providing palliative care, Hospice is a program for individuals who are dealing with the emotional and spiritual changes that follow the diagnosis of a life-ending illness.

Hospice could not offer its many meaningful services without its volunteers; they are an integral part of Hospice. Together with professional staff,

volunteers work to relieve the physical, emotional and spiritual pain experienced by the patient and family. Volunteers provide direct patient and family services, including companionship and support, transportation, assistance with chores and errands, and pastoral and bereavement care. Volunteers visit patients and families in their homes and hospitals, nursing homes, homeless shelters, and residences for people with AIDS. These volunteers offer a listening ear and a shoulder to lean on during a family's most challenging times.

Other volunteers work behind the scenes, serving on the Board of Directors, assisting in fundraising and public education efforts, and with administrative tasks. In 1994, 100 active volunteers donated more than 12,000 hours of public service, valued at over $250,000. But one cannot put a price tag on this dedicated service—these efforts are priceless, and Hospice could not operate as successfully as it does without its volunteers.

It is with great pride and pleasure that I commend the volunteers of Hospice Care for their many hours of difficult and dedicated service.●

ARMENIAN GENOCIDE

Mr. SARBANES. Mr. President, I rise to join my colleagues in commemorating the 81 years since the tragedy of the Armenian genocide unfolded. Today we pause to remember the victims of this great tragedy and to pay our respects to the survivors.

Indeed it is important that we take this occasion to educate ourselves about the events that constituted the Armenian genocide, and to resolve never to remain indifferent in the face of such assaults on humanity. Respect for the memories of the Armenians who were martyred in this great tragedy demands that humanity never forget this day. It also represents an opportunity for people of goodwill to honestly confront the past and move to genuine reconciliation.

We are also pleased that after centuries of oppression, the Armenian people are again now free and independent. The Republic of Armenia is proof that the Armenian spirit is alive and vibrant and, despite enormous outside pressures, is making progress and flourishing. As Armenia struggles to reenter the society of nations, it is instructive for us to recognize the sacrifices of the victims of the genocide.

The anniversary of this tragedy holds special meaning to Armenians everywhere and, in spite of a history of many hardships, difficulties and adversity faced by the Armenian people, the community has strengthened its resolve to survive and prosper. Armenian-Americans are one of the best examples of an indomitable human spirit. The contribution of the Armenian community to the cultural, social, economic, and political landscape of America is a source of great strength and vitality in our Nation. Americans of Armenian origin have kept alive, and not let tragedy shatter, the rich faith and traditions of Armenian civilization.

As we recall the Armenian genocide, it is important to recognize that it was the culmination of an abhorrent pattern of persecution against the Armenian community living in the Ottoman Empire. During the period 1894–1896, and again in 1909, tens of thousands of Armenians lost their lives. On April 24, 1915, 300 Armenian intellectuals, religious and political leaders, and professionals were rounded up by Ottoman authorities and taken to remote parts of Anatolia from where they never returned. At least 250,000 Armenians who loyally served in the Ottoman army were expelled and forced into labor battalions where executions and starvation were common. Men, women, and children were deported from their villages and obliged to march for weeks in the Syrian desert where a majority of them lost their lives.

The unfortunate campaign against this community earlier in this century resulted in widespread deportations and death. More than 1.5 million innocent men, women, and children, out of a total of 2.5 million Armenians living within the Ottoman Empire, lost their lives. Entire families were destroyed, and thousands of survivors were scattered around the world. In fact, contemporaneous newspaper accounts in the United States describing these atrocities inspired Americans to contribute $113 million in humanitarian assistance from 1915 to 1930 to help the survivors. Americans eventually adopted 132,000 Armenian orphans into this country.

One of the most prominent and reliable accounts of the Armenian genocide is provided by the distinguished United States ambassador to the Ottoman Empire at the time, Henry Morgenthau. In an article published in the Red Cross magazine in 1918, Morgenthau described the wide-scale and systematic attempts by the Ottomans to crush the Armenian community as, ''the Greatest Horror in History.'' Abram Elkus, Morgenthau's successor, also cabled the State Department that the Young Turks policy against the Armenians was an ''unchecked policy of extermination through starvation, exhaustion, and brutality of treatment hardly surpassed even in Turkish history.''

Both the German and Austrian ambassadors, apprehensive about the attacks against the Armenians, conveyed their concerns directly to the Ottoman leadership. In July of 1915, Hans Von Wangenheim, the German Ambassador to the Ottomans, advised his own government to distance itself from the Ottoman leadership for what he viewed as a campaign to rid ''the Armenian race in the Turkish empire.''

Extensive evidence, documentation, and first hand accounts have been collected over the years regarding this dark period, much of which is held in our own National Archives. In 1987, it was fitting that the Holocaust Council expressed its support for making the Armenian genocide part of the permanent exhibits at the United States Holocaust Memorial Museum. In its statement, the council declared that ''the fate of the Armenians should be included in any discussion of genocide in the twentieth century.''

Several years ago, Elie Wiesel spoke at a Holocaust memorial service here in the Congress and expressed the importance of recognizing the Armenian genocide. He stated, ''Before the planning of the final solution, Hitler asked, ''Who remembers the Armenians?'' He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.''

Mr. President, we must never forget the moral lesson of the Armenian genocide and honor it by renewing our commitment to human rights and democratic principles.

COMMEMORATING THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. PELL. Mr. President, each year on this day, we solemnly join Armenians worldwide in observing the anniversary of the genocide perpetrated against the Armenian people between 1915 and 1923.

Eighty-one years ago today, Ottoman leaders launched a systematic campaign to eradicate the Armenian people from Ottoman Empire territory. In that year, hundreds of Armenian religious, political, and intellectual leaders were rounded up and exiled, or murdered. During the next 8 years, an estimated 1.5 million Armenians were executed. Many were raped, tortured, or enslaved. In addition to those killed, an estimated 500,000 Armenians were exiled from the Ottoman Empire. Many of those exiles found their way to freedom in the United States where they and their descendants have made—and are continuing to make—a significant contribution to the cultural, political, and commercial life of this country.

Despite the many challenges they have faced over the years, the Armenian people have demonstrated a high degree of independence, resilience, and national pride. I believe the anniversary of the genocide offers an opportunity to reflect upon the challenges Armenia is facing today. In particular, Armenia continues to struggle under blockades by its neighbors, and as a result, it continues to depend heavily on humanitarian assistance. I would note that the United States has responded to Armenia's plight. Armenia receives more assistance per capita than any other Newly Independent State. I know we all look forward to the day when Armenia—a country of great human resources—will be a donor, rather than a recipient of assistance.

In fact, despite the blockades, Armenia has made significant economic

progress during the past year. Its currency has stabilized, inflation has decreased, and the economy showed a positive growth rate. Armenia is also working hard to enact the necessary legal and regulatory framework for true reform to take root.

Regrettably, a lasting diplomatic settlement to the Nagorno-Karabagh crisis also remains elusive. I hope that the memory of the Armenian genocide, as well as the continuing of the suffering of the Armenian and Azeri peoples, will spur a peaceful resolution to the dispute.

There are, in fact, some hopeful signs. For the past 2-years, a cease-fire has held in Nagorno-Karabagh. Over the weekend, President Ter Petrosian of Armenia and President Aliyev of Azerbaijan issued a joint communique agreeing that direct dialog between the parties must be intensified to facilitate an end to the conflict.

Armenia is continuing to talk with its neighbors not only about how to resolve the Nagorno-Karabagh conflict, but about the importance of economic development of the region. In fact, just this week in Luxembourg, the leaders of Armenia, Azerbaijan, and Georgia each signed bilateral cooperation agreements with the European Union.

I would note that Armenia is also engaging in a dialog with Turkey about a range of bilateral and regional issues. This is a courageous, and very practical, decision. Both countries acknowledge that it is in their interest to talk, and I believe that we should do what we can to encourage such discussions between Yerevan and Ankara.

Sadly, the legacy of the Armenian genocide has not succeeded in deterring subsequent acts of genocide in other parts of the world nor did it represent an end to the suffering of the Armenian people. However, it is only by continuing to remember and discuss the horrors which befell the Armenian and other peoples that we can hope to achieve a world where genocide is finally relegated to the realm of history books, rather the newspaper headlines.

I hope my colleagues and leaders throughout the world will join me in commemorating the anniversary today, and thus ensure that the tragedy of the Armenian genocide will not be forgotten.●

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mrs. FEINSTEIN. Mr. President, today, April 24, marks the 81st anniversary of the beginning of the Armenian genocide. I rise today to acknowledge and commemorate this terrible chapter in our history, to help ensure that it will never be forgotten.

Eighty-one years ago today, one of the darkest chapters in human history began. On that day, Ottoman authorities began arresting Armenian political and religious leaders throughout Anatolia. Over the ensuing months and years, some 1.5 million Armenians were killed at the hands of the Ottoman authorities, and hundreds of thousands more were exiled from their homes.

On this 81st anniversary of the Armenian genocide, let us renew our commitment never to forget the horror and barbarism of this event. We must remember, we must speak out, and we must teach the next generation about the systematic persecution and murder of millions of Armenians by the Ottoman Government. I know that I am joined by every one of my colleagues, by the Armenian American community, and by people across the United States in commemorating the genocide and paying tribute to the victims of this crime against humanity.

As Americans, we are blessed with freedom and security, but that blessing brings with it an important responsibility. We must never allow oppression and persecution to pass without condemnation. By commemorating the Armenian genocide, we renew our commitment always to fight for human dignity and freedom, and we send out a message that the world can never allow genocide to be perpetrated again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all across the world have clung to their identity and have prospered in new communities. My State of California is fortunate to be home to a community of Armenian-Americans a half a million strong. They are a strong and vibrant community whose members participate in every aspect of civic life, and California is the richer for their presence.

The strength and perseverance of the Armenian people is a triumph of the human spirit, which refuses to cede victory to evil. The best retort to the perpetrators of oppression and destruction is rebirth, renewal, and rebuilding. Armenians throughout the world have done just that, and today they do it in their homeland as well. A free and independent Armenia stands today as a living monument to the resilience of a people. I am proud that the United States, through our friendship and assistance, is contributing to the rebuilding and renewal of Armenia.

Let us never forget the victims of the Armenian genocide; let their deaths not be in vain. We must remember their tragedy to ensure that such crimes can never be repeated. And as we remember Armenia's dark past, we can take some consolation in the knowledge that its future is bright with possibility.●

GENOCIDE REMEMBERED

● Mr. MOYNIHAN. Mr. President, I rise today to mark the 81st anniversary of the Armenian genocide that took place during the final years of the Ottoman Empire. From 1915 to 1923, some 1,500,000 persons of Armenian ancestry are reported to have died at the hands of their Ottoman rulers, through a deliberate policy of deportation, confiscation of property, slave labor, and murder.

Although we now recognize this policy as genocide, no such word existed at the time of its commission. The American Ambassador to the Sublime Porte, New Yorker Henry Morgenthau, described the Ottoman atrocities as a ''campaign of race extermination.'' A chilling prologue, if you will, to the twentieth century.

The word ''genocide'' comes from the Greek genos (clan or breed) and the Latin caedere (to kill). It was coined in 1944 by Raphael Lemkin, a Polish Jew who emigrated to the United States in 1941.

In the early 1930's, after studying the slaughter of the Armenians, Lemkin began a campaign to outlaw the crime now known as genocide. He took his case before the Legal Council of the League of Nations in 1933 but the learned jurists would not heed him. Finally—after the Nazi Holocaust shook the conscience of the world—the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948. The first human rights treaty of the new world body was finally ratified by the United States in 1988. Raphael Lemkin's legacy.

During the Days of Remembrance Commemoration in 1981, Elie Wiesel stated:

> Before the planning of the Final Solution, Hitler asked, ''Who remembers the Armenians?'' He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

Mr. President, today the United States Senate pauses to remember the Armenian victims of genocide. But remembrance alone is not enough. Remembrance must be the first step toward justice and, ultimately, toward prevention of future atrocities.

On December 13, 1995, the Senate adopted Senate Joint Resolution 44, concerning the deployment of United States Armed Forces in Bosnia and Herzegovina. The resolution affirmed that the population of Bosnia and Herzegovina had ''suffered egregious violations of the international law of war including * * * the Convention on the Prevention and Punishment of the Crime of Genocide.'' To redress and punish these crimes, the United Nations established the International Criminal Tribunal for the Former Yugoslavia. The United States must continue to support the work of the Tribunal and insist on cooperation with the Tribunal as mandated by the Dayton Accords.

The horrors of this century—beginning with the Armenian genocide—gave birth to a new vocabulary of inhumanity. As this genocidal century draws to a close, let us remember these events, mourn the victims, and strengthen our resolve that such outrages never again be perpetrated against the human race.

I thank the Chair and I ask that the text of Ambassador Henry

Morgenthau's telegram of July 16, 1915, and the 'genocide' entry in the Fontana Dictionary of Modern Thought be printed in the RECORD.●

The text follows:

[Telegram received from Constantinople, July 16, 1915]

Secretary of State,
Washington.

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

Protests as well as threats are unavailing and probably incite the Ottoman government to more drastic measures as they are determined to disclaim responsibility for their absolute disregard of capitulations and I believe nothing short of actual force which obviously United States are not in a position to exert would adequately meet the situation. Suggest you inform belligerent nations and mission boards of this.

American Ambassador, Constantinople.

THE FONTANA DICTIONARY OF MODERN THOUGHT

[Edited by Alan Bullock and Oliver Stallybrass]

[New and revised edition by Alan Bullock and Stephen Trombley assisted by Bruce Eadie]

GENOCIDE.

Term coined by American jurist Raphael Lemkin in 1944 to denote the physical destruction of a national, racial or ethnic population. The term was included in the indictment at Nuremberg of German war criminals accused of involvement in Nazi attempts to exterminate the Jewish population of Europe. It acquired still wider currency in a United Nations Resolution of 11 December 1946 and UN Convention of 9 December 1948 which sought to make genocide a crime under international law. Details of the UN definition of the term are contested, for example by radical critics of colonialism who view as genocide the destruction of the social fabric of a colonized people, but it remains the most widely accepted definition.

Bibl: L. Kuper, Genocide (Harmondsworth and New York, 1981).

UNITED STATES MUST SUPPORT A SOVEREIGN LEBANON

● Mr. ABRAHAM. Mr. President, I rise today to express my strong support for the sovereignty, independence, and territorial integrity of the country of Lebanon. As you know, Mr. President, Lebanon has again been the most recent victim of the fighting in the Middle East. The hostilities of last week which continue today have caused a great loss of Lebanese lives.

The United States has always supported the independence and territorial integrity of Lebanon. However, in the most recent negotiations to end the fighting in the region, the U.S. administration has been focusing its efforts on Syria and Israel.

I believe that the State Department is sincere in upholding it support for the sovereignty of Lebanon. But I am afraid that the United States views a resolution to the Israel-Syria conflict as the only priority—and the consequence is the plight of the civilian population in Lebanon is ignored. It is Lebanon that is suffering the most in this conflict, and it is with that country which the United States should focus its immediate attention.

The influence and support of the United States is critical to giving Lebanon the help it needs to move forward and rebuild after two decades of civil war.

As its stands, the presence of all foreign forces in Lebanon irritates the situation, making it difficult for the Lebanese to find a peaceful solution to their quest for independence and sovereignty. Only until there is the withdrawal of all foreign forces from Lebanon, combined with a diplomatic solution, will peace in the Middle East be achievable.

I believe that Lebanon will than be on its way to returning to the independent, sovereign and unoccupied land that it once was—free of all non-Lebanese forces. Not only will this advance the case of Middle East peace in the region, but it will also be in America's best interest to have its friend, Lebanon, stable once more.

Today, President Clinton is meeting with President Elias Hrawi of Lebanon. It is my hope that the territorial integrity, sovereignty and independence of Lebanon is the subject of much discussion. President Clinton will also be announcing a humanitarian aid package for Lebanon, and I was pleased to lead the efforts in the Senate to insist upon this assistance for the innocent civilians of Lebanon.

But the humanitarian assistance is only one part of the equation. I, once again, urge the administration to persist in trying to negotiate a cease fire in this region and to bring an end to the hostility immediately.●

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. GLENN. Mr. President, once again I rise to join my colleagues, and Armenian Americans in Ohio and across the Nation, to remember the Armenian genocide of 1915–1923. Over this period the Armenian population of the Ottoman Empire was systematically destroyed. Some were killed, others left to die of deprivation, still others uprooted and expelled from their homeland. In the end, some 1.5 million Armenians perished and another 0.5 million were displaced.

Evidence of the Armenian genocide is available from a number of sources, among the most compelling is the reporting of our own United States Ambassador to the Ottoman Empire, Henry Morgenthau. In a cable to the Secretary of State, Ambassador Morgenthau wrote: ''Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in process under a pretext of reprisal against rebellion.''

Some may ask why it is important to take time each year to commemorate an event which occurred over half a century ago. In reply I would recall the reported observation of Adolph Hitler as he contemplated the ''final solution''—''Who remembers the Armenians?''

Today we remember the 1½-million victims of the Armenian genocide. Undeniably it is not comfortable to repeatedly revisit this tragedy, or to visit the Holocaust Memorial Museum, or to have contemporary atrocities played out nightly on our television screens, as in Bosnia or Rwanda. But we remember today, we did last year and the year before, so that we will not become complacent about or indifferent to any example of man's inhumanity to man, wherever and whenever it may occur. For in the words of Edmund Burke, ''the only thing necessary for the triumph of evil is for good men to do nothing.''●

JAMES I. WILLIAMSON, MEDAL OF HONOR WINNER

● Mr. BIDEN. Mr. President, it is sometimes argued these days that we Americans place too high a premium on the value of individual, yet our experience over more than 200 years as a Nation has taught us that it's almost impossible to overestimate the value of some individual citizens to our community and our country. James I. Williamson of Harrington, DE, who died on Monday of this week at the age of 66, was one of those invaluable individuals without whom the character and history of America would be very different.

During his distinguished 21-year career in the U.S. Army, from which he retired in 1969 as a staff sergeant, James Williamson won many decorations, including the Purple Heart, the Bronze Star and the Silver Star. In 1968, during the last of his three tours of duty in Vietnam, he won the rarely awarded Congressional Medal of Honor for extraordinary, individual valor in combat.

Of the millions of men and women who have served in our military since the award was first conferred during the Civil War, Mr. President, fewer than 3,500 have received the Congressional Medal for voluntary action above and beyond the call of duty, at the risk of the recipient's own life—and the high standard of admission to that elite group of heroes is indicated by the fact that the majority of Congressional Medals have been awarded posthumously.

Sergeant Williamson survived the action that earned him our highest military decoration, but it was his willingness to risk his own life that saved the lives of comrades in arms engaged in that action with him. Alone and armed with a machinegun, he rescued the crew of a mechanized weapons carrier that had taken a disabling direct hit. Remaining exposed to enemy fire, he attached a towing cable so the vehicle and its crew could be pulled to safety.

Despite the controversy that surrounded our involvement in the Vietnamese war, Mr. President, it was a proud nation which presented Mr. Williamson with the Congressional Medal of Honor, because of his enormous personal courage, because of his willingness to risk sacrificing his own life in the service of others, and because neither our military nor our Nation can afford to allow such outstanding individual contributions to go unrecognized.

James I. Williamson was not ''the one-in-a-million'' exception we sometimes refer to; he was the truly exceptional ''one-in-fewer-than-3,500'' who displayed the American character at its best and whose actions made clear why our most precious decoration is dedicated to honor—his own and his country's. His family, his community of Harrington, and his State of Delaware will remember him with pride for his extraordinary individual achievement and with humility in the face of his unselfish bravery.●

DAVID L. FORD

● Mr. LEVIN. Mr. President, I rise today to honor one of the remarkable individuals we lost on April 3, 1996, in the plane crash in Croatia which took the life of Commerce Secretary Ron Brown and many other fine Americans. David L. Ford, CEO of InterGuard Corp., a subsidiary of Guardian Industries, headquartered in Auburn Hills, MI, was on that flight to donate 23 metric tons of flat glass to Sarajevo, enough to produce 8,000 windows for the reconstruction of a hospital that was damaged in the war.

When David was first given the opportunity to travel to Bosnia, he thought of how he could best help the city of Sarajevo. He decided that he would help the city recover from the constant shelling of the past 3 years. David was very excited about being able to help the people of Sarajevo. Though he was unable to see his plan fulfilled, his wish was honored when the glass was later delivered by the U.S. Embassy. A plaque commemorating the efforts of David Ford to rebuild Bosnia will be displayed in front of the hospital in Sarajevo.

David worked for Guardian for over 25 years. He was the driving force in opening the European market for the company, which now operates four plants across Europe. He was a diligent and dedicated worker. He was also a deep thinker who was a student of foreign cultures. He traveled extensively in European countries and studied their cultures.

David was a dedicated family man. His wife, Debra Ann Ford, and their children, Kathryn and Douglas, will remember him as a person who brought much happiness into their lives. He was an involved parent who would often accompany his children to school. He recently took a class on a trip to Israel, imparting his knowledge of the world to the children.

David was a man who was very committed to his faith. David was a born-again Christian and a member of Christian Community Church. He was very involved in his community and was the leader of the youth group Teen Section. David has said that, ''to be born again means a new beginning, it means change—a new direction.'' David had this faith in a new direction for Bosnia and the world.

David's own words best show how he viewed his life. ''Yes, I had to change. That meant I had to sacrifice some things—the changes are not a list of things to do or not to do. The changes are in your heart. We cannot make these changes alone, by ourselves. God sends us a helper to be with us.'' The people of Sarajevo were indeed sent such a helper in David Ford.

I know that my Senate colleagues join me in honoring the life of David L. Ford. ●

THE 205TH ANNIVERSARY OF POLAND'S CONSTITUTION

● Mr. D'AMATO. Mr. President. I rise today in support of Senate Joint Resolution 51, a resolution to commemorate the 205th anniversary of Poland's constitution. This resolution was introduced by my good friend, the distinguished Republican leader and senior Senator from Kansas, BOB DOLE. The purpose of the resolution is to salute and congratulate Polish people around the world, including Americans of Polish descent, as on May 3, 1996 they commemorate the 205th anniversary of the first Polish constitution, to recognize the rebirth of Poland as a free and independent nation in the spirt of the 1791 constitution, and to urge the people and state and local governments of the United States to observe this anniversary with appropriate ceremonies and activities.

The Polish constitution of 1791 is closely related to our own constitution, because it was heavily influenced by a Polish hero of the American Revolution, General Thaddeus Kosciuszko, who returned to his native land after the war, carrying with him the concepts we fought to establish and preserve in the revolution. While Poland enjoyed this new constitution for less than 2 years, it established principles and ideals that still live in modern Poland.

Polish people have made major contributions to the United States in all fields of endeavor. The first manufacturing facility in America was established by a Pole in Jamestown, VA. The first institution of higher learning in New Amsterdam was established by Dr. Alexander Kurcyusz. In addition to General Kosciuszko, another famous Pole, Count Casimir Pulaski, aided our fight for independence from Great Britain. He is known as the ''Father of the American Cavalry'' because General Washington put him in charge of developing and leading that arm in the war. He had a brilliant career in the Continental Army. Unfortunately, he was mortally wounded in the siege of Savannah and later buried at sea.

More modern Polish-Americans who made notable contributions range from Arthur Rubenstein to Stan Musial and Leon Jawarski. In every field, Polish-Americans worked hard to make America what it is today.

New York is home to a great many Americans of Polish descent. Almost 1.2 million New Yorkers claim a Polish heritage. According to the Census Bureau, about 17 percent of all U.S. residents who speak Polish at home live in New York.

I am confident that our adoption of this resolution will be met with appreciation and that May 3 will be a date that will be met with appropriate celebration in the Polish-American community. I again express my strong support for this resolution and I urge my colleagues to vote for it.●

THE 81ST ANNIVERSARY OF ARMENIAN GENOCIDE

● Mr. LEVIN. Mr. President, George Santayana wrote that ''those who cannot remember the past are condemned to repeat it.'' We have an obligation, just as our forebears had, to teach following generations what occurred in the world before they were born. It is this passing of information from generation to generation that weaves the fabric of our collective history and serves as a guide for the future. We can never change the facts of history, but we can work to make sure that injustices are not repeated out of ignorance of those facts. It is only through the constant and vigilant education of our children and each other that we can hope to end man's inhumanity to man.

When Adolf Hitler was planning the Jewish Holocaust he said, ''Who today remembers the extermination of the Armenians?'' I am here today to bear witness to the fact that we do remember the Armenians who fell prey to genocide and we will continue to work to spread that knowledge so that similar events never again occur.

Today, April 24, 1996, we commemorate the 81st anniversary of the 1915–1923 genocide of the Armenian people. In a world that sometimes seems to have gone mad with random violent acts, we must remember the victims of a government organized terror, the genocide perpetrated by the Turkish Ottoman Empire against the Armenian people.

Eighty-one years ago this week, the 8-year-long savagery against the Armenian people began. Each year we remember and honor the victims and pay respect to the survivors we still are blessed to have in our midst. We vow to remember, to always remember, the attempt to eliminate the Armenian people from the face of the Earth, not for what they had done as individuals, but because of who they were.

For the most part, nations did not learn from history—the world looked

away during the Armenian genocide and those horrors later revisited the planet. As Elie Wiesel said, the Armenians ''felt expelled from history.'' So the genocide we remember each April, the century's first genocide—is the genocide the world forgot, to its shame, and for which it paid dearly.

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. We make this solemn vow because we believe that it is within our power to confront evil in the world, and to prevent genocidal attacks on people because of who they are. That is surely the highest tribute we can pay to the Armenian victims and how the horror and brutality of their deaths can be given redeeming meaning. ●

HONORING THE WALTMANS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data is undeniable: individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Lelslie and Isabella Waltman of West Plains, MO, who on March 28, will celebrate their 50th wedding anniversary. They understand the meaning of the word ''covenant.'' My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Waltmans' commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.●

MEASURE READ THE FIRST TIME—H.R. 2937

Mr. SIMPSON. Mr. President, I inquire of the Chair if H.R. 2937 has arrived from the House of Representatives.

The PRESIDING OFFICER. The bill has arrived, and it is at the desk.

Mr. SIMPSON. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorneys' fees and costs incurred by former employees of the White House travel office with respect to the termination of their employment in that office on May 19, 1993.

Mr. SIMPSON. I now ask for its second reading.

Mr. SIMON. I object.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 1698

Mr. SIMPSON. Mr. President, I inquire of the Chair if S. 1698 is at the desk.

The PRESIDING OFFICER. S. 1698 is at the desk.

Mr. SIMPSON. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1698) entitled the Health Insurance Reform Act of 1996.

Mr. SIMPSON. Mr. President, I ask for the second reading and object on behalf of the Republican leader.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

AMENDING THE HIGHER EDUCATION ACT OF 1965

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3055 just received from the House.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3055) to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, and the motion to reconsider be laid on the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 3055) was deemed read the third time, and passed.

MEASURE INDEFINITELY POSTPONED—S. 1298

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1298, a bill to authorize documentation of the vessel, Shooter, and that the measure then be indefinitely postponed.

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

ORDERS FOR THURSDAY, APRIL 25, 1996

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 8:30 a.m. on Thursday, April 25; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and that there then be a period for morning business until the hour of 10 a.m., with Senators to speak therein for up to 5 minutes each, except for the following: Senators CHAFEE or BREAUX for up to 60 minutes total; Senator DODD for up to 15 minutes; Senator MURKOWSKI for up to 5 minutes; Senator STEVENS for up to 5 minutes; Senator BRYAN for up to 10 minutes.

I further ask that at the hour of 10 a.m. the Senate resume consideration of S. 1664, the immigration bill, and at that time Senator SIMPSON be recognized to offer the next two amendments to the immigration bill.

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

PROGRAM

Mr. SIMPSON. For the information of all Senators, Mr. President, the Senate will resume the immigration bill and the pending amendments tomorrow morning. Senators can expect rollcall votes throughout the day on the immigration bill. We hope to complete action on that measure on Thursday.

It is also anticipated that the omnibus appropriations conference report will be available for consideration during tomorrow's session. Therefore, action on that legislation is also expected.

The Senate may also be asked to turn to any other legislative items that can be cleared for action.

Mr. President, let me thank my colleague from Illinois for his cooperation and willingness to come to the floor this evening and interrupt his evening to see if we can proceed with other business. I am most appreciative. We will try to complete our work tomorrow. I hope we can do that—certainly Friday morning. Hopefully, we can avoid that.

But I want to thank the staff, the people that make it possible for us to function in this remarkable arena on both sides of the aisle—here at the desks on the both sides of the aisle. These people I have come to know so well we cannot function without. This has been a remarkable day, and the Parliamentarian must be dealing with some kind of a gumball by now. It has more cords and knots in it than we could ever untangle. So we will just keep it there, if we can.

But I want to thank the Senator from Illinois, and thank these remarkable people who patiently watch us grapple with the issues of the day.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. SIMPSON. Mr. President, if there is no further business—unless my colleague from Illinois would care to make remarks—to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:05 p.m. adjourned until tomorrow, Thursday, April 25, 1996, at 8:30 a.m.