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Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, our help in ages past, help us to be open to Your serendipities today. Grant that we may not allow our experience of You in the past to make us think that You are predictable or limited in what You can do today. Help us not to become so comfortable with the familiar that we miss the new things that You want to do in and through us and in our Nation.

Father, our life is so often filled with stress and pressure. We need Your help in keeping our hearts receptive to Your Word in the midst of all of the other words that clamor for our attention. May our constant question be: ''Is there any word from the Lord?''

Help us to have no other gods before You—neither our power, popularity, nor plans. Grant that we may value spiritual riches over material and give You first place in our hearts. With these priorities, bless us in our work today. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, today there will be a period for morning business until the hour of 10 a.m. Immediately following morning business, the Senate will resume consideration of S. 1664, the immigration bill, and the pending Graham amendment. Additional amendments are expected to be offered during today's session. Therefore, Senators can expect rollcall votes throughout the day, possibly prior to 12:30. A cloture motion was filed to the immigration bill last night, and in accordance with rule XXII, Senators have until 12:30 today to file first-degree amendments to the bill. The Senate will recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

I thank the Chair.

I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. 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 therein for not to exceed 5 minutes each.

Mr. BREAUX addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair. I will yield myself 5 minutes under that unanimous consent.

THE CENTRIST COALITION PROPOSAL

Mr. BREAUX. Mr. President, for colleagues who may be watching by their TV monitors, Senator CHAFEE and I have taken this time this morning to talk, once again, about the so-called Chafee-Breaux centrist coalition proposal, which I think is monumental legislation in that it presents to the Senate a way to achieve a balanced budget in a 7-year period and do so in a bipartisan fashion.

A lot of people have said that something of this nature cannot be accomplished in an election year. Our operations and the legislation that we offer proves that it can be done. We have met since October 1995, last year, on a regular basis, sitting down and discussing the difficult problems that are facing this Congress. It is very clear that the alternative of doing nothing is not a real alternative.

Unless we get a handle on entitlement spending, and unless we make major changes in the entitlement programs, our country is going to be in very, very serious trouble. The alternative, I think, is a bright future for this country and for our children. With a balanced budget, people see a number of benefits that are real, that are tangible, that affect their daily lives—lower interest rates on home mortgages, lower interest rates on car notes, more spendable money to spend at home on the things that families need in terms of education and health care.

We have presented a package for our colleagues to consider, and we hope that after reading our plan, they will join with us in a true bipartisan fashion and move on and enact a balanced budget in this Congress. It is not too late. It is only too late if we do nothing. It is absolutely critical that we take this step in this Congress.

I point out that here we talked about how close we are in the various proposals. There is much similarity in the administration's latest proposal and the proposal from the Republicans and the proposal from our centrist coalition, the Chafee-Breaux proposal. There is no reason that, with all of these things that we have already agreed on, we cannot take the next step and work out the differences that still exist.

All three proposals have a balanced budget using CBO numbers. We save between $600 and $700 billion over the life of this plan, and we do it while protecting the needs of the must vulnerable in our country—the people on Medicaid, Medicare, and welfare. So it is not to say that you cannot save between $600 and $700 billion and not at the same

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

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time protect the most vulnerable in our population.

Our Medicare proposal is real reform. It is not just cutting Medicare, but it is real reform in a major way in the programs, giving beneficiaries more choices, which will increase the solvency of the trust funds. We make reductions in spending. It is not as much as some would like, but it is more than others would like. In Medicaid, we have worked with the Governors in a bipartisan fashion to come up with our Medicaid plan, which I think has gotten a lot of support from the Governors. Democratic Governors have said they would like this to be done. Republicans, I think, would agree with the direction we are moving in. It maintains flexibility and some of the standards. It is basically a Federal program working with the States.

Yes, there should be Federal standards about how the programs are going to be worked out. On welfare, as President Clinton said, a welfare reform bill should be tough on work but good for kids. Our plan does that. Our plan takes care of children. It provides more child funding for parents who are working, for child care and day care. At the same time, we have vouchers for children after their parents are terminated off of welfare. If the parents are able to work, they should work. Welfare cannot be a permanent way of life. We have time limits. We have a block grant to the States. Yes, there is more cooperation between the States and the Federal Government as to what they have to do.

Yes, we have a tax cut. Some say we need a $245 billion tax cut. Well, we have a real $105 billion tax cut, with $25 billion of loophole closings, which I think most people can agree to. We have a tax cut for families, $250 per child tax cut, which goes up to $500 per child if they invest in an individual retirement account in that child's name. We have reductions for education. This is a family friendly tax proposal in the sense that it helps working families. We have some alternative minimum tax relief, which many people will agree we should have. We have a capital gains tax cut, which we think is important to create economic incentives for individuals and for corporations in this country.

Finally, we have an adjustment in the Consumer Price Index. A lot of people said you cannot do that. Well, we have done that in a bipartisan fashion. Economists who are both Republican and Democrat have told us that the CPI, Consumer Price Index, which is the vehicle that is used to project all of the cost-of-living adjustments, is overstating what those adjustments should be.

So we have taken the step of saying we are going to have a reduction of five-tenths of 1 percent, one-half of 1 percent for 2 years and then three-tenths of 1 percent for the remaining years in our budget plan. That saves $110 billion. For a Social Security recipient, it means, instead of getting the normal increase, they would still get an increase in their benefits, but it would be approximately $3 less than they would normally get per month. But what it does is help save the system.

I suggest that most people who are on retirement programs would say it is important to save the system, not only for me as a selfish reason but for my children and my grandchildren, and we are asking everybody to have a more realistic adjustment in what their increases should be—still get an increase if the cost of living goes up, of course, but guaranteed, guaranteed in a better fashion because the system is going to be stronger. All of the retirement programs will be stronger and more solvent as a result of our Consumer Price Index adjustment. People will get an increase. The increase will be smaller than it might have been, but the principle is that the formula is incorrect, and we are trying to correct the formula. What is wrong with that?

So, Mr. President, let me reserve my time and conclude by saying that there is going to be an opportunity perhaps in the next couple of weeks to present our budget in this Chamber, to have our colleagues take a look at it and to, yes, vote for it because we think it truly represents the only bipartisan effort that has a real chance of passing and getting the job done.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I want to ask the Senator from Louisiana a couple of questions, if I might, on my time.

Mr. BREAUX. Sure.

Mr. CHAFEE. I should like to say to the distinguished Senator that I encounter fellow Senators who say, ''I'm all for your plan except I don't like the tax cut,'' or, ''I am all for your plan except I don't like that change in the Consumer Price Index,'' or, ''That's an excellent plan, but the Medicare number isn't the one I like.''

Now, my question to the Senator from Louisiana is, What other vehicle is going to be presented that fixes these problems? If they do not accept our proposal, the proposal of the distinguished Senator from Louisiana and I and this wonderful group of bipartisan Senators working with us, if they do not like that, what else has a chance at being enacted that is going to balance this budget, not only at the end of the seventh year but in the outyears as well?

Mr. BREAUX. If the Senator will yield for a response to the question, the Senator has outlined a formula for failure, a formula for disaster. If every Member comes up and says, ''I like what you have done except one little item,'' we will never get any agreement. The essence of the agreement on this issue is a compromise between those who want to do it all one way or all the other way. So, yes, there will be differences, as there was—and I know the Senator remembers this—in our own discussions. The Members said, ''It is a little too far in this direction,'' or, ''It is not far enough in that direction.''

What we have shown, however, is that you can come together in a bipartisan fashion and reach an agreement that gets the job done. I think it is a genuine compromise. That is the only way the job can get done.

Mr. CHAFEE. The distinguished Senator from Vermont is here and has some comments on this, and I know he has duties presiding in a few minutes, so I would like to yield whatever time he wishes.

Mr. JEFFORDS. I thank the Senator very much, my good friend from Rhode Island. I am pleased to be here again this morning to talk about the importance of adopting a balanced budget in this Congress.

As the speakers before me have outlined, it is extremely serious, and this may be the only opportunity we have now that we have a group of moderates who believe very strongly that there is a solution and that if we all sit down together and reason, we can have a balanced budget. I believe that very strongly.

The last time I spoke here, I spoke as a member of the Appropriations Committee and of the dire need with respect to the ability to appropriate to bring the entitlements under control. I suggested at that time that we had some difficult decisions to make in that regard. In particular, we have to look at the CPI and also we have to look at entitlements, especially those in the area of Medicaid and Medicare, to find ways to better handle them so that we do not continue the rapid increase we have in expenditures, which has made it imperative that we get together on a balanced budget.

Today I would like to speak to you as the chairman of the Senate Education Committee. Those of us who depend upon discretionary funds to accomplish those goals which we have set out look at the future and realize that with the increasing needs we have because of international competition in the area of education, there is no way we can reach those by depending upon our State and local governments to raise those funds, especially if you take a look at what the present trends show would be necessary to cut back on discretionary spending, especially the nonmilitary discretionary spending.

Let me briefly outline to you some of the dire consequences with respect to education.

On the one hand, we have recognized now for over a decade the incredible need we have to improve our educational system, in particular to meet the demands of international competition. Study after study has shown that if we do not change and improve our educational system, then in the next century the United States will no

longer be an economic power but will be a second-rate power.

What is the rationale and what are some of the reasons for that conclusion? First of all, international studies comparing our young people with those of other nations have shown that this country, which has been proud of its educational system, ranks dead last when it comes to the ability of our young people with respect to mathematics, with China, a growing economic power, being by far the leader with respect to education of its students in mathematics.

In addition, even a more horrible situation is the fact of the so-called forgotten half. The forgotten half are those individuals who are not college bound. We have not paid much attention to that group. In fact, studies that have been done by those who measure literacy found that half of our students who graduate from high school are functionally illiterate. That has to be turned around.

That is not even taking into consideration the fact that in some cases up to 30 percent of the students have already dropped out of high school. If you add those percentages together, you can see that this Nation's might with respect to education capacity is not there.

What do we do to change that? I am not one who would be up there to disagree with those who say you just cannot throw money at and improve education. That is a fact. What you cannot do is say you must cut back on education. Now we have suddenly gotten the message, at least from the people as well as from those who are discussing it, that cutting education is the poorest thing we can do.

But, again, I wish to point out that if we do not do something about balancing the budget, the impact upon discretionary spending is going to be so dramatic we cannot escape the fact we may have to start cutting back on education. That would put this Nation in dire peril. The public agrees with this; 86 percent say do not cut education, and 80 percent of those who said balance the budget said, yes, but do not cut education.

Congress heard that message this time, and we were able to escape. Due to the efforts of the Senator from Maine and others, we were able to stop, for instance, the tendency to seriously cut back on funding with respect to higher education. We were able to stop that and to keep it steady rather than having the dramatic cuts that were suggested by the other body.

In addition to that, the work of the senior Senator from Pennsylvania was very dramatic in the final analysis on the need not to cut back on education, and we finally recognized that we could not and we did not this time cut education. But the pressures in the future are going to be very dramatic.

Let me conclude by pointing out again there are dramatic needs in education that must be fulfilled. For instance, if we were to match what other countries do with respect to days spent in education—China spends 250 days a year in education; we spend 180, and all of the other nations, our international competition in Asia and Europe, average about 220 days—we would have to appropriate, in order to get even with the average, some $76 billion to spread over the States. That is just one example. I could go on.

Let me just stop and say we have an opportunity here through the leadership of Senator CHAFEE and Senator BREAUX to be able to bring into check the decrease in the spending of the discretionary funds which will be necessary if we do not adopt a plan such as theirs.

I commend them for their effort. I intend to work as hard as I can in order to bring the spending under control so that we do not have to have the negative impact upon education which we will have to have if we do not do so.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Rhode Island, Senator CHAFEE, is recognized.

Mr. CHAFEE. Mr. President, first I would like to thank the Senator from Vermont for his effective comments.

I notice the senior Senator from Pennsylvania is here. I would be glad to hear his views on this subject.

Mr. SPECTER addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Pennsylvania, Senator SPECTER, is recognized.

Mr. SPECTER. Mr. President, I thank the Chair. I thank my colleague from Rhode Island for yielding to me, and I congratulate him and the distinguished Senator from Louisiana, Senator BREAUX, for the tremendous amount of work and success which they have brought into a program for a 7-year balanced budget.

My sense is that with a centrist approach, which is represented by the charts which Senator BREAUX has spoken about and the one which is next to Senator CHAFEE, we can have a balanced budget, and we can do it with a scalpel and not with a meat ax.

The bill which we passed last week and which was signed by the President is illustrative, in my judgment, of what we can do if we really set our minds to it. I chair the Subcommittee on Labor, Health, Human Services and Education. And, as I have said on this floor, it has been an embarrassment to me that that bill could be brought to the floor at a much, much earlier time. I will not review the bidding as to why it could not be brought to the floor, but suffice it to say that there were riders which kept it from consideration by the Senate.

Then Senator HARKIN, the ranking member on the subcommittee, and I crafted an amendment to add $2.7 billion, significantly for education, but also for health, human services, and worker safety. That amendment passed the Senate by a vote of 84 to 16, which is obviously a very strong bipartisan showing.

We then went to conference with the House of Representatives. The very difficult part is finding the figures which will be signed by the President and which will be acceptable to the House of Representatives. We had 20 hours of negotiations over 2 days, and we finally worked it through on the House-Senate conference with the House conferees to bring it to a narrow 6-to-5 vote, but it was accomplished.

I believe that is indicative of what we can do with this centrist approach. It is my hope that this will be reduced to bill form and that we will put it forward.

I have urged my colleague, Senator CHAFEE, to bring the proposal to the floor and to bring it to a vote because I believe that there are many Senators, besides the 20 or so who have joined in these meetings, who would be willing to support it if it came to the Senate floor for a vote.

It is reminiscent of the tremendous job which the distinguished Senator from Rhode Island, Senator CHAFEE, did on health care back in 1992, 1993, and 1994. He had so many meetings in his office at 8:30 in the morning every Thursday that most of us should have been lessees. We should have paid rent over there.

One of the concerns that I had on the tremendous job which he did was that it never came to the floor for a vote under the time of pressure for which I think we would have enacted that bill. He did set the stage, I think, for those of us working with him, and under Senator CHAFEE's leadership, for the legislation which was passed last week, the KASSEBAUM-KENNEDY bill. This bill, which is targeted, did not have the problems of the administration's bill which was a complete revolution.

So that with this centrist approach, I think we have it. I hope we will bring it to the floor. I think it is the model for accommodation, and I am glad to be a part of the team.

Again, I thank my colleagues who yielded the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the senior Senator from Pennsylvania for his kind remarks and for the wonderful work and help which he has given us on this.

I would like to turn back, if I might, to the Senator from Louisiana because both of us have encountered, as I have previously mentioned, objections to specifics here. But this is not exactly unknown territory.

Let me suggest to the Senator from Louisiana that a bill went through this body which had high tax cuts. It did not have the corrections to it in the CPI. And that bill, as I recall, did not get enacted into law. In other words, one approach was tried which many people here say, ''Oh, we need more

taxes. We do not like this. You only have $130 billion in taxes. You ought to have $245 billion.'' OK. We tried that.

Am I correct in saying that?

Mr. BREAUX. The Senator is absolutely correct. We discussed and had heated discussions about the size of all of these reductions in spending as well as the size of the tax cut. But this is reflective of a genuine compromise reached between people of differing opinions. But it reflects, I think, the only way we can get the job done.

Mr. CHAFEE. So when those others say do it this way or do it that way, there is no other train leaving the station that I am aware of that is going to reach the terminal point successfully. In other words, the President has indicated that, and the Democratic leadership has indicated that they do not want high tax cuts.

Am I correct in that?

Mr. BREAUX. The Senator is correct. I think both sides have sort of polarized on whether to have a tax cut or not. But we have tried to listen to both sides and try to come up with a recommendation that meets the concerns of both sides but reflects a true compromise.

Mr. CHAFEE. That is the point that I would like to get across to our listeners and viewers—that it is easy to be critical. It is easy to say, ''oh, no. Do not fool with that CPI, that Consumer Price Index, and the Medicare figure is too high. We do not like what you have done on welfare. The Republican Governors do not like what you have done totally on welfare an area that has been mentioned before briefly.

We make some savings out of Medicare, or actually what we do is we reduce the rate of growth over the next 7 years. Medicare, unless something is done, is truly going to go broke.

People say, ''Oh, we have heard you people say that around here on this floor before.'' All right, let us just look and see what has happened. We have two recent reports. The New York Times reported last Tuesday that the Medicare hospital insurance trust fund—which is the fund that pays the hospital bills for the elderly—operated at a loss for the first 6 months of this current fiscal year. It fell short, the outflow as compared to the income, fell $4 billion short in that brief time.

So once upon a time we were bringing in more revenue than we were expending and we built up a surplus. Now the lines on the graph have crossed and the expenditures are exceeding the income. That is not going to change unless we do some things.

Yesterday's Washington Post reported the Congressional Budget Office now believes the Medicare trust fund will become insolvent in the year 2001. When we started on this exercise just a few months ago we thought it was going to go insolvent in 2002, so in just a few months we have seen the fiscal situation of the trust fund deteriorate by a year. So, unless something is done in this Medicare Program, along the lines that we have suggested, the Medicare trust fund, which pays the hospital costs of the elderly in this Nation, is going to go broke. That is something we ought to take very, very seriously.

I read a comment the other day in the newspaper where somebody said, ''Oh, don't believe that. We are going to take care of it.'' It is not easy to take care of some of these situations once the downward spiral starts and the expenses exceed the income. Once that starts there is really serious trouble ahead.

I would like to now touch briefly on the Consumer Price Index. The Consumer Price Index has clearly been overstated. What we do, as the Senator from Louisiana pointed out, in our group, we say let us state the Consumer Price Index accurately. So that is what we have done. That results, fortunately, in dramatic savings, not just over this 7-year period, but for the outyears as well. So, a key part of our proposal here is the recognition of the fact that the Consumer Price Index is overstated. We hope our fellow Senators, paying attention, listening and studying this situation, will come to the conclusion that we have, that it is essential to state the Consumer Price Index in an accurate form. That results, as I mentioned, in our calculations, of a $110 billion savings over the 7-year period with dramatic savings in the outyears, and which will mean, as the Senator from Louisiana briefly said, that Social Security and Medicare will be here in the future years.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I yield myself such time as I may consume.

I would like to ask a question of the distinguished Senator from Rhode Island, because he was talking about the Consumer Price Index adjustment. He and I served on the Senate Finance Committee together. We know we had asked for a study by a commission to report to the Finance Committee. I think the commission was asked for by the distinguished Senator from New York, Senator MOYNIHAN, and, at that time, Senator Packwood, to report to us as to whether the CPI, the Consumer Price Index, was correctly reporting the cost of living or not. That commission made a preliminary report and said no, it is incorrect, in that it overstates inflation by anywhere between 0.7 percent up to 2 percent.

So what we have done is suggest we make an adjustment, that we make a correction, that we make it more accurate than it was before. Our plan says we are going to take a low estimate—let us use one-half of 1 percent—and make the adjustment there.

It seems to me, and I ask the Senator, that what we are suggesting makes such great sense I am wondering if he could comment on why there is so much opposition. It seems no one wants to touch this part of our plan for fear of the political consequences. Could the Senator shed some light on why something that seems so reasonable is such a problem to do?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Rhode Island.

Mr. CHAFEE. I think the answer to this is that people really do not want to get into trying to solve these dramatic problems that are out there in connection with the entitlements. The word ''entitlement'' is one we toss around here, but what are entitlements? Entitlements are, principally, Social Security. But they are also Medicare, Medicaid, and welfare. We believe—and it is not just us but every serious student of the deficit of this Nation and the direction we are going has said so—it is essential to get the expenditures in these entitlement programs under control or there just plain will not be money to pay for them in the future years.

So when we began looking into this in the Finance Committee, as the Senator from Louisiana indicated, Chairman Alan Greenspan of the Federal Reserve came and testified before us and he said you should look into the Consumer Price Index, and whether it is accurately stated? It was his view, which was corroborated by further studies, that the Consumer Price Index is overstated and the Consumer Price Index is the basis on which the cost of living adjustments are computed for Social Security, for pensions, indeed, for the Tax Code.

So we looked into this further. As the Senator said, we set up a commission to look into what is the accurate Consumer Price Index. As the Senator said, the preliminary report has come back saying that as currently computed it is overstated somewhere between, on the low side 0.7 percent, on the high side 2 percent.

So we looked at that, here is 2 percent way up here, 0.7 percent here. We said we will not go as high as either of those figures. We will only make an adjustment of 0.5 percent, from the Consumer Price Index. Actually, we would make really tremendous savings if we, for example, took the 2 percent.

Mr. BREAUX. Yes.

Mr. CHAFEE. But we chose not to do that, as the Senator recalls.

Mr. BREAUX. Let me thank the Senator for that comment. I want to talk about why we did what we did with regard to the CPI adjustment, because it is controversial. But I think, as our colleagues understand better what it actually does in the real world, they will agree with us that it is the right thing to do. I think it is the correct thing to do, not only economically, I think politically it is the correct thing to do because we are telling senior citizens and everybody else who benefits from programs that are indexed for inflation, that we are going to take the steps necessary to make sure the program is there for the future. Unless some corrections are made, you are

going to have an indexed program that does not have any money in it. So if the program is broke, what in the world is the benefit of having it indexed to inflation if there is no money left in the Treasury?

I will give an example. Just with the Social Security Program, the estimates are, by the year 2030, the number of people receiving benefits is expected to rise to 43 beneficiaries for every 100 workers. Right now it is 27 beneficiaries for every 100 workers. There is an explosion with the baby boomers who are going to be retiring. What that means in real terms is that by the year 2013, not that far off—by the year 2013, Social Security benefit payments will exceed the tax revenues dedicated to the program.

That simply means we are going to be paying out more than we are taking in. So if we are going to pay out more than we are taking in, what benefit is it to say it is indexed and I will get an increase every year to make up for inflation? If you do not have any money left in the pot, it does not matter it is indexed to any kind of standard because there is no money left to pay a person.

So what we have suggested is a fix in this area. It is not the only way to solve the problem, but it is part of a package. Increasing gradually the retirement age is part of that suggestion, and that I support as well.

Let me tell you what that means in the real world. I ask unanimous consent to have printed in the RECORD a table which is entitled ''Impact of 0.5 percent CPI Change on Social Security Beneficiaries.''

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

IMPACT OF 0.5 PERCENT CPI CHANGE ON SOCIAL SECURITY BENEFICIARIES

	1995	1996	1997	1998	1999	2000	2001	2002
Average Monthly SS Benefit	637	656	676	696	717	738	761	783
Average Monthly SS Benefit CPI—0.5 Percent	637	653	669	686	703	721	739	757
Average Monthly Difference	.....	3	7	10	14	18	22	26
Average Yearly Difference	.....	38	79	121	166	213	263	315

Mr. BREAUX. What this simply shows is that it has a very small dollar impact on a retiree when you look at the great benefits of shoring up the system. For instance, the average Social Security monthly benefit in 1995 was $637 a month. With no change at all, that will go up to $656 a month in 1996.

With our change—and people say, ''Oh, it's so difficult. It is impossible to do politically. You will have all the seniors unhappy. It is a terrible thing to do''—with our change the person who is averaging $637 per month in 1995 will still get an increase next year; it will go up to $653 instead of $656. That is $3 less. It still is a substantial increase.

What is more important, it is a more accurate increase because it more accurately reflects what the adjustment should be. How can anyone stand up and say, ''Not only am I going to have my benefits increased for inflation, guaranteeing an annual increase, but I want it to be overstated, I want it to be inaccurate, and I want it to be a mistake, which determines how much I get.''

How can anyone stand up and say, ''I want an error in the adjustment of what the increase should be to determine how much I'm going to get from my Government,'' putting in jeopardy the entire program for future generations? I cannot think of a senior who would ever want to stand up and say, ''I want more than an inflation adjustment accurately says I should get,'' when it runs the risk of destroying the very program that their children and grandchildren, as well as themselves, have come to depend on.

So we have taken a great, courageous political step, some say. I think it is a factual step that has to be taken in order to preserve the system. I reserve the remainder of my time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I agree with the Senator from Louisiana that this step is simply the right thing to do. All we are doing is saying, let the Consumer Price Index be accurately stated. That is what we have chosen to do here.

Some have labeled that a very courageous step. We did not look on it that way. We think of it as the logical step to take to state the CPI more accurately. Likewise, there is, as the Senator from Louisiana so aptly stated, a tremendous benefit to doing that. Otherwise, unless we do it, the Social Security system is going to go under water.

I see the Senator from Washington here, and I am glad to hear his comments.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, last Thursday, I appeared with the two distinguished Senators from Rhode Island and Louisiana and a large number of others to speak in favor of their bipartisan balanced budget proposal on which I have worked under their tutelage over the course of the last several months.

I do not need to repeat the history which led to this point or, for that matter, the details of the proposal itself, except to say, Mr. President, that this is, in fact, a balanced budget, a truly balanced budget by making real changes in the way in which we manage spending programs in this country, true reforms in entitlement programs, to a certain extent, and, in particular, reforms that were not even included in the balanced budget that were passed by this body in December. So from a substantive point of view, it is very real.

Mr. President, the only other comment about the program that I have to say is this. At one level, of course, balancing the budget is almost a moral course of action. It is simply wrong morally and ethically for us to continue year after year spending hundreds of billions of dollars on services that we want but are unwilling to pay for, and then sending the bill for those services to our children and to our grandchildren. Beyond it simply being wrong, Mr. President, it is destructive of opportunity for future generations.

We are convinced and we are told by those who are economic experts that a balanced budget, even the clear promise of a balanced budget, with policy changes that will lead to that point, will mean more money for the Federal Government from the present tax system because of lower interest rates and greater prosperity, but, more significantly than that, more money in the pockets of American citizens, more jobs, better jobs, lower interest rates on homes and automobiles and other major purchases people make. There is a tremendous fiscal dividend to be had from a balanced budget, not only for the Government but more importantly for our citizens.

I will conclude, Mr. President, by saying that I believe that the two Senators who have led this effort deserve the gratitude not just of the Members of the Senate and of the Congress, but of the American people. They have not to this point gotten the publicity, the public acceptance, the public knowledge, for that matter, of this proposal that they deserve. But they have soldiered on to a point at which this is a very real alternative and one I hope that Members of both parties and the President of the United States will accept.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the Senator from Washington for those very generous remarks. I appreciate the kind words he said. Let me just say that we cannot go too far wrong if we are doing something right for the future generations of this Nation.

It is absolutely clear that, if we continue on the present course, trying to fund these entitlements—Medicare, Medicaid, Social Security, welfare—without changes, it is clearly going to bankrupt the Nation. You see some projections that estimate an individual

will have to pay 80 percent of his or her earnings to the Federal Government in order to sustain these programs in future years. They are clearly out of control.

That is why we try to bring them under control. It is not just us predicting this. It is already happening, and ahead of schedule, as we see with the Medicare Program.

The Senator from Colorado is here, the senior Senator from Colorado. I will be delighted to hear his comments.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the Senator from Rhode Island and the Senator from Louisiana for their leadership on this project.

Mr. President, why in the world would you have a budget process going on separately from the committee? I think there are some simple truths that lay out why. The reality is that this Congress tried to control spending. They did it by proposing increases last year of roughly 3-percent. That may not sound like cuts to people outside the U.S. Congress, but in reality a 3-percent increase was less than the rate we had been on and less than what the natural law provides with the automatic increases in a variety of programs.

The President honestly, sincerely felt that we ought to increase spending at least 4, 4.5 percent. Thus, they did not reach agreement. Mr. President, that fact has not gone away. The reality is that the President of the United States wants much more in the way of an increase in spending than the Republican Congress wants. There is no way around that. It is not going to change tomorrow.

I think we all hope that the President will sit down with Congress and work out an arrangement. But that has been tried, and the reality is, the two parties have dramatically different views of what is good for the country. The President sincerely believes we need to increase spending more than the Republicans want to increase spending.

Mr. President, the only salvation for us is a bipartisan effort in Congress that comes up with enough votes to override the President's veto. That is a simple reality and a simple fact. If we did not develop a budget that does that, we did not achieve any progress. That is why I think this proposal has so much merit.

It is a bipartisan proposal. Is it as strong as I would like? Of course not. The reality is we ought to be cutting spending, not increasing it at a slower rate. Anybody who looks at their family budget knows that. But this is dramatically better than no progress at all, and it is the one alternative we have this year to make some progress.

There are some other facts that are realistic, too. Medicare is going to be insolvent. We can debate about whether it is going be 5 years or 6 years or 4 years, but it is going to be insolvent. The American people are not well served if you let it go to a position where it is insolvent. Social Security is going to be insolvent. It may be 20 years, it may be 25 years, but it will be insolvent.

To pretend you are somehow helping the American people by running these trust funds into insolvency is ludicrous. The American people know it is ludicrous. The American people want a Congress that will deal with the problems, not hide from them, not gloss them over, not pretend they do not exist. They want it done fairly, they want it done evenhandedly. Mr. President, this budget offers a bipartisan way to resolve our financial difficulties.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the Senator from Colorado for those excellent remarks.

I yield what time the Senator from Utah needs.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I rise to pay tribute to the two Johns—CHAFEE of Rhode Island and BREAUX of Louisiana—for the leadership they have shown and for the tenacity which they have maintained throughout this process.

As I go home to Utah, I have two reactions from people, as they go through the process and go through what we have done here. The first one that comes from people, who are, perhaps, more partisan than some others, is to find some aspect of this thing and complain. ''How can you, Senator BENNETT, support''—fill in the gap—and the reaction is, ''No, I do not support that. You are right, I campaigned against that.'' ''Well, how can you stand here and say that this was a good thing that you have been involved in?''

And then we get to the second reaction, which comes from many of the same people, but includes a broader spectrum, and it is summarized, ''Can you guys not get your act together back there and solve some of these problems?'' ''Why are you so partisan that you cannot address the fundamental issues of the country.'' ''Instead of a Democratic or Republican solution,'' one of my constituents said, ''is there not an American solution?'' I am not so filled with hubris as to say the result here is the ''American solution'' as opposed to the Republican or Democratic solution.

I remember something my father used to say when talking about his experience in the Senate. He said, ''We legislate at the highest level at which we can obtain a majority.'' I think that is the driving force here—that we have recognized that there will be things in the bill that I will hate. There will be things in the bill that I will really like and that folks on the other side will hate. But we legislate at the highest level at which we can obtain a majority. And the way we obtain a majority is to talk to each other and work things out and make the kinds of changes and understandings that we have to make in order to get there.

Unfortunately, in the circumstance we live in today, a majority is not 51 votes; a majority is 60 votes. And you cannot get 60 votes in the Senate if you do not have some give and take. So I salute the tenacity of the folks who have been involved in this process to keep at it and to keep both sides together and to keep both sides equal. I think that is a powerful, powerful idea.

What are we doing, Mr. President? We are trying to solve the financial problems of the United States. What are the financial problems of the United States? Quite simply, spending exceeds income at an increasing rate. That is very fundamental. So we have to address ways of increasing income and ways of decreasing the growth of spending.

The thing that I endorse the most out of this is the recognition that there are ways to increase income that defy the wisdom of the computers that make straightforward extrapolations. The willingness of everyone to put a capital gains tax cut in this package is the most encouraging thing for me. The computers say it is going to cost us money. I know the computers are wrong. I know that when we get actual experience, we will find that cutting the capital gains tax rate, as this package does, will increase capital gains tax revenue. Every time we have done that in history, that has been the result. Every time we have raised the capital gains tax rate, we have reduced capital gains tax revenue. Why we cannot get the computers programmed to recognize that fact is something I have quit arguing about, because I have been unable to budge anybody who programs the computers. But the willingness of both sides to say, OK, we will score this as a revenue loss, even though I know it is not, and we will pay for it because it is the right thing to do, shows a degree of understanding that I think is terrific.

The other thing we do in this package that I salute is that we have the willingness to confront the CPI. We have the willingness to say the Consumer Price Index is out of whack. The Consumer Price Index is driving the increase in spending. We have to confront it, even though it produces a bonus for a lot of our citizens.

I am heartened by the courage of all 22 members of this group, Democrats as well as Republicans, who looked each other in the eye and said, ''It is time for a little truth telling. Even though the CPI is politically sensitive, it is time to do the right thing.''

So, Mr. President, as I said, I salute the two Johns for their leadership, and the other 20 members of the group, who stood together on these crucial issues. I recognized immediately that there are things in the deal I do not like. But, ultimately, the direction in which

it moves us is the direction in which the country must go, in a bipartisan manner, lowering the temperature of the partisan arguments that occur on this floor. I am proud to have been a part of the overall effort.

Mr. BREAUX. Mr. President, I will yield whatever time he needs to the Senator from Wyoming. I will conclude by pointing out that I think we have laid out a good package. We have indicated that there will be an opportunity in the next week or so to present our package on the floor of the Senate as an amendment on a substitute to the Budget Committee resolution. We hope that between now and then we will have a chance to talk to our colleagues and go into greater detail with them as to what our package contains, to try and answer the questions they have, knowing that it is not perfect, but that we think it represents a true and fair compromise.

With that, I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that we continue for an additional 5 minutes in morning business, which will enable me to speak 4 minutes and conclude with either Senator CHAFEE or Senator BREAUX.

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

Mr. SIMPSON. I am pleased to join with Senators CHAFEE and BREAUX, and the others of the centrist coalition, in announcing this plan. This is very comprehensive. I hope our colleagues will take a very clear look at it. But I just so admire Senators CHAFEE and BREAUX—tireless, able, caring, sensible people, trying to do a sensible thing. We cannot continue this raucous partisanship about who is doing what to who. Medicare cannot be touched and now, of course, it is going to go broke a year, maybe 2 years, earlier than we thought 6 months ago. Here we rock along and, finally, we are addressing it in this proposal.

I am particularly pleased that we are looking at the Consumer Price Index, and that we propose to reduce that CPI by one-half of a percentage point in 1997 and 1998, and by three-tenths of a percentage point after that, for the purposes of computing the COLA's, the cost of living allowances. And, of course, the AARP will shriek like a gut-shot panther and leap off their pinnacle down there at their temple, for which they pay $17 million a year rent. Please go see it. I hope everybody goes there. Get your shoes cleaned off before you go in, or you will hurt the marble floors. It is quite a place. They will go crazy on this. They will wail about tearing the back door down and the terrible effort to get Social Security benefits. And we are not cutting Social Security benefits. That is not what is driving this issue.

What we are striving to do is have a more accurate CPI that reflects the true level of inflation. This is the issue that is most important to the senior citizens of this country—inflation. This certainly does drive seniors into doubt and concern. That is what we must do. It is inflation that eats away the seniors' lifetime savings.

So we have had the testimony from Alan Greenspan, and others, who believe the CPI is off the mark. We think this is a very valid step—$110 billion in savings over 7 years. That may not be a popular proposal, but it is critically important. If we were to do that for 10 years on a 1 percent, which we are not dealing with, but that would be $680 billion over 10 years. The figures are huge and, exponentially, they go on out.

So it is a total package. Some are not going to like things here, but it is a very good first step. We achieve some really significant reversal of what is happening to us as a country. I served on the Entitlements Commission, and we all know where we are headed.

I like the one about making Medicare eligibility link up with the Social Security retirement age by gradually increasing that eligibility age. That acknowledges that life expectancy is higher now.

We are going to affluence test Medicare part B. I would have done more of that. We say those who have annual incomes exceeding $50,000 and couples who have incomes exceeding $75,000 will be affluence tested. I certainly think we could do that at a lower income sometime, but we do not have the votes to do it at this time.

We limit Medicaid. I would have liked to have seen more flexibility, but I am not going to let that deter me from supporting this.

Everything here will have an objection from somebody, but the totality of it overwhelmingly outweighs the concerns I have about these other things.

So in many other areas—taxes—I had my concerns. Here is a tax package. I did not think we should just give away $250 for every child under the age of 17, but in the spirit of cooperation and consensus, we were able to address some of my concerns. There was not a single thing I addressed that was not met with the finest courtesy and genuine regard of what we were trying to do.

So I urge all my colleagues to consider the plan. Those who automatically reject the notion of a bipartisan budget will have no trouble at all finding one or two items to oppose it, but I am convinced anyone who approaches the plan with an open mind and a recognition that all true bipartisanship requires a great degree of compromise—compromising an issue without compromising ourselves—will conclude this as an impressive plan. No tricks, no gimmickry, none of the usual stuff. It makes the tough, politically unpopular decisions Republicans and Democrats alike have been putting off for far too long.

I again thank sincerely Senator CHAFEE and Senator BREAUX. They are statesmen.

Thank you.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, first, I want to thank each of the speakers who took the trouble to come here today in support of this effort that Senator BREAUX and I have the privilege of leading.

Second, I would like to say that what this is all about is future generations. Unless we do something about these entitlements, this country of ours is going to be in great financial and economic peril. If we take these steps now that we have outlined, then there is a wonderful chance—it is not only a chance, it is a fact—that we can reverse the trends that are now underway in our two largest spending programs—Social Security and Medicare—as well as Medicaid and welfare.

So this is it. It is easy to criticize, and people, as I mentioned earlier, will say, ''I'm all for it, except for the CPI,'' or ''I'm all for it, except for the Medicare number,'' or ''I don't like your tax figure.'' But nobody else has come forward with a program that has the support of Senators on both sides of the aisle, Democrats and Republicans.

So this is it, and we hope that everybody, every single Senator in this body will carefully consider what we have come up with. We sincerely hope that they will join with us. We want more people. There are 22 of us who have worked together on this since October. But 22 is not enough, and it is not enough for Senators to say, ''Well, that's pretty good. We'll see what else is going to come along.'' Nothing else is going to come along that we know of. We have been involved with this for some time.

So we do seek support from our fellow Senators on both sides of the aisle. The beneficiaries will be our children and our grandchildren, and that is a pretty worthwhile goal.

I thank the Chair and certainly thank my distinguished colleague, Senator BREAUX, who has been terrific in the leadership he has given to this program right from the beginning.

TRIBUTE TO FORMER JUSTICE RICHARD L. ''RED'' JONES

Mr. HEFLIN. Mr. President, retired Alabama Supreme Court Justice Richard ''Red'' Jones passed away on April 22. I had the pleasure of serving with him on the court in the mid-1970's, and remember well his great wit and ability to tell stories. He was also a true legal scholar who approached cases and issues with zeal accompanied by seriousness. He loved the law. He was always tenacious in his determination to arrive at the correct decision under the law.

Red grew up in rural Pickens County, located in west-central Alabama, where he was known by his initials, ''R.L.'' People there continued to refer to him as R.L. throughout his life, as opposed

to Richard, Dick, or Red. While he was growing up in this part of Alabama, he had an insatiable appetite for reading and for educating himself. He loved to tell of how he took full advantage of the book mobiles that would come around during those days bringing books to residents in rural areas.

Red attended law school at the University of Alabama. He began practicing law in Aliceville, AL, after obtaining his law degree. He later practiced in Fairfield and eventually became a partner in a Bessemer law firm. He then moved his law office to Birmingham, but had clients all over Alabama.

Red was an outstanding trial attorney. He handled many cases seeking compensation for lung diseases suffered by coal miners and cotton gin workers, and served for a time as the president of the Alabama Plaintiff Lawyers Association, now known as the Alabama Trial Lawyers Association. As a plaintiff attorney, he was highly regarded as an ardent advocate by attorneys and judges in both the criminal and civil fields.

He served on the Alabama Supreme Court for a total of 18 years, from 1973 to 1991. He was generally known for his keen understanding of the law and its majesty. He wrote his opinions in clear language so that all could understand them. While on the State's high court, he was consistently supportive of all judicial reform efforts. He was a true champion in the area of improving the administration of justice. He oversaw the establishment of the unified judicial system, the rules of procedure that govern the trials in both civil and criminal cases, and the establishment of training programs for judges, clerks and registers, judicial assistants, and court reporters. He participated in the revision of the Alabama code, serving on the code revision committee.

One of the hallmarks of his esteemed career was his excellent service as commissioner of the uniform State law commission. This commission's job was to propose State laws which could serve as models for the States, such as uniform commercial codes. He was highly regarded for his work on the commission. As I traveled, I encountered people all over the country who praised his accomplishments in developing model State laws.

Red's sense of self-deprecating humor is something I will always remember about him. He had a way of putting people at ease through humor and amusing stories, and often made himself the brunt of his own jokes. As his pastor at Shades Valley Presbyterian Church said so correctly of him: ''He was a great talker, a great storyteller, and a great friend.'' It seemed as if he used humor to put serious problems and issues in their proper perspective so that personal passions and feelings would not interfere with his decision-making. It helped him retain his objectivity when considering a case.

He had an abiding interest in serving others by volunteering his time in several civic organizations and associations that he felt would improve the communities in which he lived or that he thought would advance his profession. He believed strongly in country, family, and faith.

At his funeral, Justice Hugh Maddox gave a warm eulogy to his long-time friend, saying:

> Red Jones had boundless energy, and although Red has passed his baton to those of us who are still in the race . . . he left with us the legacy of how the race should be run. He prepared well, he was totally committed, and he ran with endurance.

One of his last acts on the court a few years ago was to swear in Alabama's newest lawyers—among them his son, Rick Jones—who had recently been admitted to the State bar.

Judge Red Jones was an outstanding lawyer, family man, and public servant. Everyone liked him and enjoyed his companionship. I will miss him greatly.

I extend my sincerest condolences to his wife, Jean, and their entire family in the wake of this immeasurable and untimely loss.

LEADERS PROMOTE DEMOCRACY IN VIETNAM

Mr. GRAMS. Mr. President, last week I hosted a meeting of the International Committee for a Free Vietnam [ICFV] which resulted in the drafting and presentation of a resolution which promotes democracy in Vietnam, particularly individual freedoms and human rights. Joining us were Parliamentary leaders from Europe, Canada, and Australia. Since Vietnamese leaders will hold their Eighth Party Congress in June, it is important that we communicate the reforms recommended in the resolution to the Vietnamese, to continue the dialogue begun as we continue to normalize our relations with Vietnam.

While at the meeting, I was disturbed to learn that a distinguished member of the group Col. Bui Tin, a former member of the Vietnamese Communist Party, received a death threat which was alleged to originate from Vietnamese Government sources. He is not the only one who has received these threats, but he is the only one with whom I am personally acquainted. It was very disappointing to me to hear this, just at the time we hope to improve our relationship with Vietnam.

Col. Bui Tin, a resident of Europe, has done nothing but advocate democratic reforms in Vietnam, consistent with the first-amendment rights we have in our country. He does so out of concern for the people of Vietnam, where he was a soldier for over 37 years.

I join many of my colleagues in urging the leaders of Vietnam to cease this kind of threat, which is just as egregious, if not more, as the continuing imprisonment of many political prisoners in Vietnam today.

I ask unanimous consent that the text of the resolution of the ICFV adopted on April 24, 1996, be printed in the RECORD for the information of all Senators.

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

RESOLUTION OF THE ICFV, WASHINGTON, DC, APRIL 24, 1996

1. The representatives of the I.C.F.V. present at this conference are united in this support for:

1.1. The rule of law, multiparty politics, free elections, the release of political prisoners and prisoners of conscience;

1.2. The recognition and implementation of human rights, including the rights of free speech, freedom of association, freedom of religious belief, and freedom from arbitrary arrest, freedom to work; and

1.3. The obligation of all governments to consult their people and to govern in accordance with their wishes.

2. Thus I.C.F.V. urges all parliamentary democracies to support and extend assistance to the people of Vietnam on the basis that the forthcoming Communist Party Congress recognizes the principles embraced by this conference and that the party and the Vietnamese government implement such principles.

3. The conference recognizes the immense importance of accurate and fair information on current events and issues being made available to the people of Asia including Vietnam.

4. The conference urges the Parliaments of the countries represented here including Australia, Canada, various European countries and the U.S.A. to make funds available for enlarging existing surrogate home radio services to Asia, to broadcast otherwise unavailable news and current information to the countries of the region.

5. The conference urges the government of the United States to promote Radio Free Asia.

6. The representative of the I.C.F.V. will seek to open a meaningful, comprehensive dialogue with representatives of the Vietnamese government and Communist party.

7. The conference expresses its appreciation for those courageous persons in Vietnam who speak out for truth, democratic values and human rights.

8. The conference reaffirms the I.C.F.V.'s commitment to democratic and nonviolent change in Vietnam.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 29, 1996, the Federal debt stood at $5,096,726,647,358.55.

On a per capita basis, every man, woman, and child in America owes $19,251.62 as his or her share of that debt.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1664, the Immigration Control and Financial Responsibility Act, 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 and 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:

Dole (for Simpson) amendment No. 3743, of a perfecting nature.

Graham amendment No. 3760 (to amendment No. 3743), to condition the repeal of the Cuban Adjustment Act on a democratically elected government in Cuba being in power.

Graham-Specter amendment No. 3803 (to amendment No. 3743), to clarify and enumerate specific public assistance programs with respect to which the deeming provisions apply.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON], is recognized.

Mr. SIMPSON. Mr. President, now may we review the activity. Am I correct that we have two amendments at the desk of Senator BOB GRAHAM of Florida, to which there has been a degree of debate and time has run on that, and that we are near readiness to vote—not at this time? I will wait until my ranking member, Senator KENNEDY, is here to be sure we concur. What is the status of matters?

The PRESIDING OFFICER. Amendment No. 3803 is pending, offered by the Senator from Florida [Mr. GRAHAM].

Mr. SIMPSON. And then, Mr. President, is there another amendment also pending?

The PRESIDING OFFICER. The Chair is informed No. 3760 has been set aside.

Mr. SIMPSON. That being the first amendment sent to the desk yesterday evening.

The PRESIDING OFFICER. That amendment was set aside.

Mr. SIMPSON. I thank the Chair. Let me just say now, we are embarking on the issue of illegal immigration. I hope my colleagues will pay very clear attention to this debate. This is the critical one. This is where we begin to get something done.

I must admit, and I thank my colleagues for their patience in my obstreperous behavior to propose to go forward with one or two items that had to do with legal immigration, thinking that I might get the attention of my colleagues to do something with regard to chain migration and other phenomenon. That certainly was a message clearly conveyed that that will have to come at another time.

So I will not be trying to link anything. I have no sinister plan to proceed to reconstruct or deconstruct. But the theme of this debate must be very clear to all of our colleagues, and it is very simply said: If we are going to have legal immigrants come to our country, then those who bring them, who sponsor them will have to agree that they will never become a public charge for 5 years, and then when they naturalize, of course, that will end. That has come through very clear.

But every single amendment that you will hear which says that the assets of the sponsor should not be deemed to be the assets of the immigrant, then remember that leaves only one person, or millions to pick up the slack, and those are called taxpayers.

So every time in this debate when there is an amendment to say, ''Oh, my, we can't put that on the immigrant, that that asset should be listed as the immigrant's asset,'' every time that will happen, it means that the obligation of the sponsor becomes less and the obligation of the taxpayer becomes greater. You cannot have it both ways. The sponsor is either obligated, and should be, by a tough affidavit of support—and there is a tough one in there—or if they come off the hook, the taxpayers go back on the hook. That is the essence of observing this debate.

The second part is very attentive to the issues of verification, because it does not matter how much you want to do something with regard to illegal immigration—and let me tell you, this bill does big things to illegal immigration because apparently that is what is sought—but you cannot get any of it done unless you have good verification procedures, counterfeit-resistant documents, things of that nature, which are not intrusive, which are not leading us down the slippery slope, which are not the first steps to an Orwellian society, which are not equated with tattoos, which are not equated with Adolf Hitler. That is not what we are about. But you cannot get there, you cannot do what people want to do some with vigor intensified, you cannot do that unless you have some kind of more counterfeit-resistant documentation, or the call-in system, or something.

You must have, I think, pilot projects to review to see which ones might be the best that we would eventually approve, and we would have to have a vote on that at some future year as to which one we would approve. That is very important.

You cannot help the employer by leaving the law to them. The employer right now has to look through 29 different documents of identification or work authorization. Then, if the employer asks for a document that is not on there, that employer is charged, or can be charged, with discrimination. We have done something about that. We must continue to do that.

What we are trying to do is eventually even get rid of the I–9 form. But when somebody in the debate says that employers are going to be burdened, remember, they are already burdened in the sense that they do the withholding for us on our Tax Code. That is a pretty big load. They do that. God bless them. On the employment situation, all they do is have a one-page form called an I–9, and they have had that since 1986. We are going to reduce the number of documents that they have to go through. We are going to reduce it from 29 to 6. We are hopefully going to do something with the proper identifiers which eventually will get rid of the form I–9. But the whole purpose of this is to aid employers in what they are trying to do with regard to employment of others in the work force.

Of course, any kind of eventual procedure or verification system that we use will apply to all of us. It will not be just asked of people who pull for them. That would be truly discrimination. It will be asked of those of us who are bald Anglos, too. Only twice in the lifetime can one be asked to present or to assist in this verification, and that is at the time of seeking a job and at the time of seeking public support—that is, public assistance or welfare. That is where we are.

A quick review of the issues of illegal immigration reform: As I say, this is a plenty tough package. Everyone should be able to appropriately thump their chest when they get back to the old home district and say, ''Boy, did we do a number on illegals in this country.'' The answer is, yes, but you will not have done a thing if we do not have strong, appropriate verification procedures. Nothing will be accomplished—simply a glut of the same old stuff showing one more time fake ID's like this, fake Social Security like this. You can pick them up anywhere in the United States. Within 300 yards of this building you can pick up any document you want, if you want to pay for it. You get a beautiful passport from a little shop not far from here for about 750 bucks. That will fake out most of the folks. That is where we are.

You cannot get this done unless we do something with these types of gimmick documents which then drain away the Treasury, which then create the anguish with the citizens, which give rise to the proposition 187's of the world. If we do not deal with it responsibly, we will have 187's in every State in the Union.

So those are some of the things that I just wanted to review with my colleagues.

To proceed, I will await the appearance of my good colleague, the ranking Member from Massachusetts. I suggest the absence of a quorum, Mr. President.

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.

AMENDMENT NO. 3871 TO AMENDMENT NO. 3743

(Purpose: To make a technical correction to sec. 204 of the bill to provide that deeming is required only for Federal programs and federally funded programs)

Mr. SIMPSON. Mr. President, I send an amendment to the desk to correct a drafting error in section 204(A) relating to an issue within our consideration, so it will, as intended, apply only to Federal and federally funded programs.

I have cleared this with my ranking member, and it is a technical amendment returning the language to what it was before the final change and to be consistent with the intent of the section and with the version that was used during the Judiciary Committee markup.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. I ask unanimous consent that it be in order.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3871 to amendment No. 3743.

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:

Section 204(a) is amended to read as follows:

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

Mr. SIMPSON. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is agreed to.

So the amendment (No. 3871) was agreed to.

Mr. SIMPSON. I thank the Chair.

Mr. President, I make the eternal lament—if our colleagues could come forward with the same vigor in which they produced their amendments at the last call, as they draped some 100 or so up front at the desk. And, of course, we are limited procedurally. We are limited by hours, each of us having an hour. Yielding can take place or allocation of that hour.

We are ready to proceed. I believe that we need not have too much further debate. I know Senator DOLE would like to speak on the Cuban Adjustment Act. I think at the conclusion of that we will close the debate, and then we will stack the votes on the two Graham amendments. Then I will go forward with my amendment on phasing in, the issue of the birth certificate and driver's license, which I think is in form now where it does not have budget difficulty with what we have done. Of course, the birth certificate is the central breeder document of most all fraud within the system. That amendment will come up then after that. Then we will go back to an amendment of Senator KENNEDY. I believe Senator ABRAHAM had a criminal alien measure. Then I will go to a verification amendment.

Once those issues, including deeming and welfare, verification and birth certificate discussion, are disposed of—those are central issues to the debate—I think that other amendments will fall into appropriate alignment with the planets.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

Mr. President, at the time the Graham amendment is disposed of—I will offer the amendment and I will speak to it at the present time because the subject matter is very closely related to what the Graham amendment is all about. If his amendment is successful, it will not be necessary. But I want to illustrate why I think the Graham amendment should be supported by outlining a particular area of need that would be included in the Graham amendment but to give, perhaps, greater focus to the public policy questions which would be included in my amendment.

My amendment would remove the sponsor-deeming requirement for legal immigrants under the bill for those programs for which illegal immigrants are automatically eligible. These programs include emergency Medicaid, school lunches, disaster relief, child nutrition, immunizations, and communicable disease treatment. Under my amendment, illegals and legals would be eligible for these programs on the same basis, without a deeming requirement.

In addition, my amendment exempts a few additional programs from the deeming requirements. These programs were all exempted from deeming in the managers' amendment in the House immigration bill. Let me underline that. What this amendment basically does is put our legislation in conformity with what has actually passed the House of Representatives on these important programs, and for the reasons I will outline briefly. The language of the amendment is identical to the language passed by the House. For these programs, it is especially unconscionable or impractical to deem the sponsors' income. These additional programs include community and migrant health services, student aid for higher education, a means-tested program under the Elementary-Secondary Education Act, and Head Start.

This amendment does not exempt any new items. Except for prenatal care, every single program in my amendment is exempted in the House immigration bill. The House saw the importance of these programs. There is no reason why the Senate should not do the same. Legal immigrants should not be deemed for programs for which illegals qualify automatically. Let me just underline that. Legal immigrants should not be deemed for that which illegal immigrants qualify automatically.

The reason the illegal, primarily children, qualify is because we have made the judgment that it is in the public health interest of the United States, of its children, that there be immunization programs so there will not be an increase in the communicable diseases and other examples like that. We have made that judgment, and it is a wise one, and I commend the House for doing so because it is extremely important.

We have effectively eliminated the deeming program for expectant mothers for prenatal care. Why? Because the child will be an American citizen when that child is born and we want that child, who will be an American citizen, to be as healthy and as well as that child possibly can be. So we work with certain States on that. There are a few States that provide that kind of program—we are willing to support those States—after the mother has actually been in the United States for 3 years. So, this is not the magnet for that mother. The mother has to demonstrate residency, to be here for a 3-year period. It makes sense to make sure that child gets an early start. We have that in this legislation. But the other programs I have referenced here are closely related in merit to those programs.

Legal immigrants should not be deemed for programs which the illegals qualify. For example, legal immigrant children are subject to sponsor deeming before they can receive immunization. Illegals are automatically eligible for immunization. Both legal and illegal children need immunization to go to school. But if parents cannot afford immunization, the legal immigrant child cannot go to school, the illegal immigrant can. This is just one of the examples of the inequities in this bill.

Community and migrant health services, under the Public Health Services Act, go to community clinics and other small community programs. These grants are intended to ensure the health of entire communities, so legal immigrants should continue to be included in the program to keep the health of the whole community from being jeopardized.

Community and migrant health clinics are the first line of defense against communicable diseases. These programs get people into the primary health care system. There is no way,

other than expensive private health insurance, for legal immigrants to take care of illness from the start, such as coughs, sore throats, skin lesions. Without this exception, immigrants will be pushed into emergency rooms to get treatment. This clogs our Nation's emergency rooms and is more expensive. Under this bill, immigrants would have to wait until their illnesses were severe enough to warrant a trip to the emergency room. This is bad health care policy.

This amendment would also exempt from the broad deeming requirements Federal student aid programs to legal immigrants to help them to pay for college. Student aid is not welfare. Student aid is not welfare. Half of the college students in this country rely on Federal grants or loans to help pay for their college, and many affluent citizens could not finance a college education without Federal assistance. Legal resident aliens are no different. Most of them would be unable to afford college without some financial help from the Government. A college graduate earns twice what a high school graduate earns and close to three times what a high school dropout earns—and pays taxes accordingly.

I want to point out, the eligibility has no impact on reducing the eligibility of other Americans. That is because the Pell and Stafford loans are a type of guarantee, so we are not saying that, by reducing the eligibility to take advantage of those programs, we are denying other Americans that. That is not the case. That is not the case. That is not so. We have some 460,000 children who are in college at the present time who are taking advantage of these programs. Many of them have extraordinary kinds of records. This would be unwise. The repayment programs under the Stafford loans have been demonstrated to be as good as, if not better than, any of the returns that come from other students as well.

The Nation as a whole reaps the benefits of a better educated work force. The Bureau of Labor Statistics estimates that about 20 percent of income growth during the last 20 years can be attributed to students going further in school. That has been true. In the House of Representatives they understood this. So this also exempts Head Start from sponsor deeming requirements.

Everyone knows investments in children pay off. Nowhere is it more true than in Head Start. Head Start is the premier social program, a long-term experiment that works. Study after study has documented the effectiveness of Head Start.

Legal immigrants should not be subject to more restrictions than illegal immigrants. We are punishing the wrong group. These people played by the rules, came here legally. Over 76 percent of them are relatives, members of families that are here. In instances of citizens or permanent resident aliens, they should not have a harsher standard than those who are illegal. In addition, there are certain services which are vital to the continued health and well-being of this country. My amendment ensures that legal immigrants will still have access to these programs.

I want to point out that our whole intention in dealing with illegals is to focus on the principal magnet, what the problem is, and that is the jobs magnet. That is why we have focused on that with the various verification provisions, which I support, which have been included in the Simpson program; by dealing with other proposals to ensure greater integrity of the birth certificates, an issue which I will support with Senator SIMPSON; the increase of the border guards and Border Patrol—again, to halt the illegals from coming in here. That is where the focus ought to be. We should not say in our assault, in trying to deal with that issue, that we are going to be harsh on the children. That does not make any sense.

The PRESIDING OFFICER. The Senator wished to be yielded 8 minutes.

Mr. KENNEDY. I yield myself 2 more minutes.

Mr. President, a final point I will make is, I know a quick answer and easy answer to this is, ''If the deemers do not provide it, the taxpayers will.'' That is a simple answer. With regard to this program, it is wrong. The reason it is wrong is because in the SSI, the AFDC, the other programs, in order to get eligibility, there has to be preparedness for financial information in order for eligibility. That has been out there, and it exists at the present time. The deeming programs in those areas have had an important effect.

We are going to have to set up a whole new process of deeming, as the Senator from Florida has pointed out, because there is no experience in these States for dealing with Head Start or community health centers or an emergency kind of health assistance or the school lunch programs or teachers dealing with the Head Start.

That is going to be a massive new kind of a program that is going to have to be developed in the schools, local communities and in the counties. It is not out there. The cost of that is going to be considerable and is going to be paid for by the taxpayers. So this is a very targeted program.

For those reasons, I am in strong support of the Graham amendment. I hope it will be adopted. If not, we will have an opportunity to address this amendment at an appropriate time after the disposition of the Graham amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Is this the second Graham amendment or the first Graham amendment?

Mr. KENNEDY. We are debating both.

Mr. SIMPSON. Either one.

Mr. DOLE. Mr. President, I would like to speak to the amendment that the Senator from Florida offered last night on behalf of himself and others.

First, I listened to the distinguished manager of the bill, Senator SIMPSON. I think he correctly stated we would like to stack those votes and have the votes occur after the policy luncheons, because apparently there is a problem with planes getting in and out of New York.

Cloture was filed last night on the bill. We would like to have that cloture vote later today. If not, then very early in the morning, 8 a.m. tomorrow morning. So we can either do it late tonight or early tomorrow morning. We could wait until midnight to have it 1 minute after midnight. I prefer not to do that. It is our hope we can complete action on this bill and move on to other legislation. We have made progress. I think we can probably make a little more.

AMENDMENT NO. 3760

Mr. DOLE. Mr. President, I have the utmost respect for Senator SIMPSON and his work on immigration. I do not often disagree with him, but on one issue I do. Section 197 of this bill repeals the Cuban Refugee Adjustment Act. The Cuban Refugee Adjustment Act of 1966 was enacted to facilitate the granting of legal permanent resident status to Cubans fleeing their homeland. The Cuban Adjustment Act, at its core, is about standing on the side of oppressed people—our neighbors—who are fleeing Castro's dictatorship. The United States has consistently stood with the Cuban people. That is why I rise in opposition to the proposed elimination of the Cuban Refugee Adjustment Act before a democratic transition takes place in Cuba.

First of all, conditions in Cuba have not changed since the implementation of the act. In 1996, as in 1966, Castro brutally represses dissent and systematically abuses human rights. The United States has had a consistent and determined policy of three decades supporting the Cuban people's aspirations for freedom and democracy. A policy that this Congress reaffirmed when it passed the Dole-Helms-Burton ''Libertad'' Act of 1996.

Mr. President, let me state clearly what this act does and does not do. It essentially allows Cuban refugees who reach United States shores to apply, at the discretion of the Attorney General, for permanent residence status without being forced to return to Cuba. It is not a mechanism to allow more Cubans to enter the United States. It is not an entitlement to permanent residency. It is merely a procedure for those already here and seeking legal status. To repeal this act would give the Castro regime a propaganda victory, but would not measurably affect the number of Cubans reaching America. The Clinton-Castro migration pact—negotiated in secret and without congressional consultation—allows over 100,000 Cuban immigrants to enter the United States over the next 5 years. Repealing the Cuban Refugee Adjustment Act will not decrease this number. Repealing

the act will only send the wrong signal to Castro's dictatorship.

That is why I, along with Senators GRAHAM, MACK, and ABRAHAM, have offered an amendment that states that the Cuban Refugee Adjustment Act would only be repealed when conditions stipulated under the Libertad Act have been met, specifically, that a democratic government is in place in Cuba.

A repeal of the act at this time is not in the national interest of the United States. Recent events have demonstrated once again that the Castro regime remains a threat to security in the Caribbean, America's front yard. Let us once again stand together in sending a strong message to Fidel Castro and to the Cuban people that we stand for democratic change in Cuba.

It seems to me with this one provision in this bill—I know the distinguished Senator from Wyoming has worked very hard and has done an outstanding job. I respectfully disagree with him on this one aspect. I hope the amendment offered by my colleagues from Florida, Senator MACK and Senator GRAHAM, myself, and others will be adopted.

Mr. KENNEDY. Mr. President, parliamentary inquiry. Can we have a cloture vote if we are under cloture at the present time? Is it appropriate to have another cloture vote during the period we are acting under the decision of the Senate yesterday afternoon and the 30 hours have not run?

The PRESIDING OFFICER. The Senate would have to dispose of the current cloture item before the vote.

Mr. KENNEDY. How many hours remain on the cloture item?

The PRESIDING OFFICER. There remains approximately 27 hours.

Mr. KENNEDY. And does the Chair know how many amendments are out there that have been submitted at this time?

The PRESIDING OFFICER. The Chair is informed there has been approximately 130 amendments filed.

Mr. KENNEDY. I, for one, am very hopeful now that we will have a chance to dispose of these amendments. Everyone on this side voted for cloture last evening. We have not had a chance to offer amendments. Senator GRAHAM stayed last evening and spoke to the Senate on both of these measures, which are timely. Other Members have indicated they wish to offer amendments. We want to at least give assurances to Members that it is not in order to order a cloture motion until we have the final resolution on the current matter, as I understand.

Parliamentary inquiry. At the time there is final cloture and the acceptance of these amendments on the underlying amendment to the bill, at that time the bill is open to further amendment, is it not?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I want to indicate, we will offer the minimum wage amendment at that particular time, since that is the next open opportunity to offer the minimum wage. We want to make it very clear—I know that is the position of Senator DASCHLE—that once we conclude this at a time when we are going to work through the process of cloture and Members will have an opportunity to offer their amendments, at that time, the bill itself will be open for amendment, and it is our intention to offer the minimum wage amendment at that particular time, because it will be appropriate to offer it at that particular time.

I hope we are not going to have to go through another kind of parliamentary procedure where we are going to be blocked from offering the minimum wage at all and then another cloture motion filed, so that we are taking up the better part of a week on a matter that could have, quite frankly, been resolved in a couple of days.

I thought it at least important to understand what the parliamentary situation is. There is no effort to try and delay the consideration of this legislation. Everyone on our side voted for it. This is the first opportunity we have had to offer amendments on it. These amendments are all germane, and the floor manager himself indicated he wanted a chance to offer some amendments as well.

I think it is important to understand that when we conclude this, that there will at least be an effort made by our leader, Senator DASCHLE, myself, Senator KERRY and Senator WELLSTONE, to offer the minimum wage. The leader is in his rights to try and foreclose us from that by working out this other parliamentary procedure where we will be denied the opportunity to vote that for a period of time. I hope that will not be the case. Nonetheless, I just wanted to review where we were from a parliamentary point of view.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we understand the parliamentary situation. It is my hope we can work out some agreement and complete action on this bill. We have been on it a number of days. I think it is a very important piece of legislation. We would like it to pass. I think it has strong bipartisan support, as indicated by the cloture vote last evening.

I think it should be limited to germane amendments. We made a proposal on minimum wage to the leader on the other side. It has been temporarily rejected. Perhaps it will be revisited.

We understand the daily comments about this issue, but we are trying to complete action on the immigration bill. If it is determined that is not possible because of an effort to offer nongermane amendments, then we will move on to something else.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just point out at this time that the amount of Republican amendments that have been offered on this, as I understand it with a quick review, far exceed the numbers that have been offered by the Democrats. So maybe that admonition ought to be targeted in terms of Republicans because they have submitted many more amendments than have been submitted by our Democratic colleagues. I thank the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, for procedural announcements, first, I indicate that the minority leader, Senator DASCHLE, has transferred 30 minutes of his time under the cloture rule to myself.

Second, I ask unanimous consent that at such time as we take up consideration of the Graham amendments, the first amendment to be voted on be No. 3760 and the second amendment voted on be the amendment relative to deeming, which is No. 3803. Mr. President, I ask unanimous consent that that be the order in which the amendments are considered.

The PRESIDING OFFICER. Is there an objection? Hearing none, without objection, it is so ordered.

Mr. GRAHAM. Mr. President, have the yeas and nays been ordered on these amendments?

The PRESIDING OFFICER. They have not.

Mr. GRAHAM. Mr. President, I 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.

Mr. GRAHAM. Mr. President, if I could comment briefly on the remarks that have just been made by the majority leader and then the remarks that were made earlier by our colleague from Massachusetts. I think they both have gone to the essence of the two amendments that we will be voting on later today.

The first amendment relates to the Cuban Adjustment Act. As Senator DOLE has eloquently stated, the conditions in Cuba have not changed in the past 35 years. Therefore, the reason why the Congress in 1966, 30 years ago, adopted the Cuban Adjustment Act continue in place.

Those reasons are fundamentally a recognition of the authoritarian regime at our water's edge. The fact that, because of that regime, hundreds of thousands of people have fled tyranny, it was in the interest of the United States to have an expeditious procedure by which those persons who are here legally in the United States, have resided for 1 year, and have asked for a discretionary act of grace by the Attorney General, be given the opportunity to adjust their status to that of a permanent resident. That was a valid public policy when it was adopted in November 1966. It is a valid public policy in April 1996.

I cited yesterday and included in yesterday's CONGRESSIONAL RECORD, Mr.

President, an article which appeared in the April 29 Washington Post, citing the regress that has occurred in Cuba in recent months, the heightened level of assault against human rights advocates, including journalists, the inability of human rights organizations to meet, the rollback of some of the gains that were made in terms of market economics, all of this at a time when Fidel Castro is saying that Cuba is committed to a Socialist-Communist state, will be for another 35 years and for 35 times 35 years.

That is the mindset of the regime with which we are dealing today, which is the same mindset that led this Congress in its wisdom 30 years ago to provide this expeditious procedure. The amendment before us recognizes that the Cuban Adjustment Act is intended to deal with the special circumstance, a circumstance that we hope will not be long in its future. Therefore, our amendment, the Cuban Adjustment Act, will be repealed, but it will be repealed when there is a democratic government in Cuba, not today when there is a government in Cuba which has launched a new level of repression against its people.

The second amendment, Mr. President, Senator KENNEDY has appropriately gone to the essence of that. That is an amendment which states that, if we are going to require that there be a deeming of the income of the sponsor to the income of a legal alien in making judgments as to whether that legal alien and his or her family can be eligible for literally an unlimited number of programs at the local, State, and Federal level, that we ought to be clear what we are talking about.

The way in which the legislation before us, S. 1664, describes the matter is to say that for any program which is needs based, that will be the requirement, that the income of the sponsor be attributed or deemed to be the income of the legal alien for purposes of their eligibility. I cited last night just a short list of what could have been thousands of examples of programs, from programs intended to immunize children in school, to providing after school safe places, and latchkey avoidance institutions in communities.

Is it the real intention of the U.S. Senate to say that none of those programs are going to be available to the children of legal aliens? I think not. Therefore, the thrust of this amendment is to say, let us be specific. Let us list which programs we intend this deeming of income of the sponsor to apply to.

I have listed some 16 programs which I believe are appropriate to require that deeming. As I said last evening, if it is the desire of the sponsors to modify that list by addition, deletion, or amendment, I will be happy to consider changes. But the fundamental principle, that we ought to be clear and specific as to what it is we intend to be the programs that will be subject to this deeming, I believe, is basic to our responsibility to our constituents, our citizen constituents, our noncitizen legal alien constituents, and the institutions, public and private, that render services. All of those deserve to know what it is we intend to require to be deemed.

I say, Mr. President, this is in our tradition. Currently we stipulate by statute in great detail which programs require deeming. We stipulate, for instance, that the Supplemental Security Income program be deemed. We stipulate that food stamps be deemed. We stipulate that aid to families with dependent children be deemed. Those are three programs which are in the law today specifically requiring deeming. In that tradition, if we are going to add additional programs, we should be just as specific in the future as we have been in the past.

So the challenge to us is to be faithful to our majority leader's statement earlier in this Congress in which he said this Congress is going to engage in legislative truth in advertising, we are going to say what we mean, mean what we say, and be clear in our instructions to those who will be affected by our actions.

So, Mr. President, those are the two amendments that will be voted on later today which I have offered. First the Cuban Adjustment Act, then the truth-in-advertising and deeming amendment.

I conclude, Mr. President, by asking unanimous consent that Senator LIEBERMAN of Connecticut be added as a cosponsor of the Cuban Adjustment Act amendment.

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I think we are nearly ready to perhaps close the debate and stack the votes on these two issues. I see no one further coming to speak on the issue. I will advise my colleagues—yes.

Mr. GRAHAM. Mr. President, it is my understanding there will be 5 minutes on each side immediately prior to the vote.

Mr. SIMPSON. Mr. President, that would be perfectly appropriate to me.

Mr. GRAHAM. Mr. President, I ask unanimous consent that, prior to the vote on each of those amendments, there be 5 minutes allocated to each side for closing arguments.

Mr. KENNEDY. Mr. President, reserving the right to object, and I do not object to it, I think that I generally want to see if we can vote after the disposition. I think that is a more orderly way. The leader has asked that we stack these. I would like to just see if we could see what understanding there is between Senator DOLE and Senator DASCHLE.

We ought to have at least the minute or two that we always do have. But I would like to inquire if there is no objection from the leaders on this before going along. So if we could inquire of the leadership if they are satisfied with that time, or make another suggestion, I would like to conform to that.

So would the Senator withhold that?

Mr. GRAHAM. I would like to add one other item. Senator SPECTER had asked to speak on the amendment, the truth in advertising and deeming amendment. I would like to protect his right to do so prior to the vote on that amendment.

Mr. KENNEDY. Mr. President, we will inquire of the majority and minority leaders, when we do our stacking, as to what procedure they want to follow in terms of the time. We will make it clear the Senator's request, and we will let him know prior to the time of asking consent.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, we will accommodate the Senator from Florida, but I agree with my colleague from Massachusetts that certainly that will be up to the majority leader and the minority leader as to that procedure. We will go forward on that basis.

Last night, I rather hurriedly commented on Senator GRAHAM's amendment. Let me be a little bit more precise at this time. I am speaking now of the Graham amendment to limit deeming to SSI, food stamps, AFDC, and housing assistance.

I do oppose the Graham amendment. This amendment would reopen a substantial loophole in our national—and traditional—immigration policy. Again, let me emphasize that before any prospective immigrant is approved to come to the United States, that newcomer must demonstrate that he or she is ''not likely to become a public charge.'' That means that the newcomer will never, never, never use welfare—any welfare at all. That is what the law says, and that has been part of our immigration law since 1882.

Well, despite this stated policy, more than 20 percent of all immigrant households receive public assistance. There is a disconnect here between our Nation's stated policy, which is that no newcomer shall use welfare, period, and shall not become a public charge, and the reality in the United States, where one-fifth of our newcomers use welfare.

My colleagues could easily wonder, and are wondering, ''How can this happen?'' That is the question of the day. Many individuals show that they will not become a public charge by having a sponsor who is willing to provide support if the alien should need assistance of any kind. Under current law, however, this sponsor's promise is only counted when the alien applies for SSI, food stamps, and AFDC. No other welfare programs in the United States look toward the sponsor's promise of support. I hope that can be heard in the debate.

The bill now before the Senate—this is in the bill that is before you, this is

in the bill that came from the Judiciary Committee by a vote of 13 to 4—requires that all means-tested welfare programs consider the sponsor's income when determining whether or not a sponsored individual is eligible for assistance. That is as simple as it can be. The U.S. Government expects the sponsors to keep their promises in all cases. That is what it is.

We should be clear about what deeming does. Deeming is, perhaps, a bit confusing. It is a simple word that something is deemed to be. In this case, the sponsor's income is deemed to be that of the immigrant for the purposes of computing these things. Deeming—this is very important. The bill will not deny welfare to an individual just because he or she is a new arrival. That is not what this bill does. I have heard a little bit of that in the debate. I would not favor anything like that, or any approach like that.

Instead, the bill requires that the sponsor's income be counted when determining whether the newcomer is eligible for public assistance. If the sponsor is dead, if the sponsor is bankrupt or otherwise financially unable to provide support, then this bill provides that the Federal Government will provide the needed assistance. That is what this bill before you today says.

My colleagues need to know what the Graham amendment does. It is sweeping. This amendment would limit deeming to only supplemental security income, SSI; aid to families with dependent children, AFDC; food stamps; and the public housing programs. That is it. That is all. This is almost unchanged from current law. It is the current law we are trying to change in this bill—and we do, and we did in Judiciary Committee. I hope we will continue it here because it already requires deeming for SSI and food stamps and AFDC.

Senator GRAHAM's amendment would exempt Medicaid, would exempt job training, would exempt legal services, would exempt a tremendously wide range of other noncash welfare programs from the sponsor-alien deeming provisions in this bill.

This amendment effectively undermines this entire section of the bill—the entire section—because here is what would happen. Under the Graham amendment, newcomers would have access to these various programs, and it would not be regarded as part of the sponsor's obligation. Newcomers, I think most of us would agree, who are brought here on a promise of their sponsors that they will not become a public charge, should not expect access to our Nation's generous welfare programs—cash or noncash—unless the sponsor, the individual who promised to care for the new arrival, is unable to provide assistance. If the sponsor is unable to do that for the various reasons that I just noted, then there is no obligation. The Government does pick up the tab. But if that sponsor is still able to do so, that sponsor will do so because if that sponsor does not do so, there is only one who will do so, and that is the taxpayers of the United States. There is no other person out there to do it.

So that is where we are. Our Government spends more on these noncash programs than all of the cash assistance programs put together. To exempt them would relieve the sponsors of most of their promise of support. I see no reason to exempt any sponsor from their promise of support, unless they are deceased, bankrupt, or cannot do it. If that is the case, then a very generous Government will do it, that is, the taxpayers.

I must stress that immigrant use of these noncash welfare programs is truly significant. For Medicaid alone, CBO estimates that the United States will pay $2 billion over the next 7 years to provide assistance to sponsored aliens, people who were coming only on one singular basis—that they would not become a public charge. This amendment would perpetuate the current levels of high welfare dependency among newcomers, and I urge my colleagues to oppose it.

I have never been part of the ritual to deny benefits to permanent resident aliens. I think there is some consideration there to be given in these cases. I do not say that illegal immigrants should not have emergency assistance. They should. And the debate will take place today where we will say, ''Well, why is it we do these things for illegal immigrants and we do not do it for legal immigrants?'' The issue is very basic. The illegal immigrant does not have someone sponsoring them to the United States who has agreed to pay their bills, and see to it that they do not became a public charge, period. That is the way that works.

So it is a very difficult issue because it has to do with compassion, caring, and all of the things that certainly all of us are steeped in. But in this situation it is very simple. The sponsor has agreed to do it, and to say that their income is deemed to be that of the immigrant. And that is the purpose of what the bill is, and this amendment would effectively in every sense undermine this aspect of the bill.

So I did want to express my thoughts on the debate indeed.

Then, finally, the Cuban Adjustment Act, as I said last night, is a relic of the freedom flights of the 1960's and the freedom flotillas of the late 1970's. At those times of crisis Cubans were brought to the United States by the tens and hundreds of thousands. Most were given this parole status which is a very indefinite status and requires an adjustment in order to receive permanent immigrant status in the United States. Since we welcomed those Cubans and intended that they remain here, the Cuban Adjustment Act—a very generous act—provided that after 1 year in the United States all Cubans could claim a green card. That is the most precious document that enabled you to work. They would claim a green card and become permanent residents here.

Since 1980 we have thoroughly tried to discourage illegal entry of Cubans. There is no longer any need for the Cuban Adjustment Act. The provision in the bill which repeals the Cuban Adjustment Act exempts those who came and will come under the current agreement between the Castro government and the Clinton administration, and one which Senator DOLE so ably described having been done without any kind of participation by the Congress. Those 20,000 Cubans per year, who were chosen by lottery and otherwise to come here under that agreement, will be able to have their status adjusted under the committee bill provisions. There is no change there at all. However, other than that one exception, there is no need for the Cuban Adjustment Act and it should be repealed.

No other group—I hope my colleagues can understand—nor nationality in the world, even among some of our most brutal adversaries, is able to get a green card merely by coming to the United States legally, or illegally, and remaining here for 1 year. That is what this is. Millions of persons who have a legal right to immigrate to join family here are waiting in the backlog sometimes for 15 or 20 years. And it would seem to me it would make no sense to allow a Cuban to come here on a raft, stay offshore and tell somebody from the INS who checks the box and says, ''We saw you come,'' and 1 year later walk up and get a green card. That is exactly what is happening under current law. You come here, or to fly in on a tourist visa, to go to see your cousin, or sister, in Orlando, and then simply stay for 1 year and go down and get a green card, having violated our laws to do so, and then are rewarded with a precious green card which takes a number away from somebody else who has been waiting for 10 or 15 years. The Cuban Adjustment Act should be repealed.

It has been repealed on this floor three separate times, ladies and gentleman. The Cuban Adjustment Act was repealed in 1982. It was repealed in 1986. And it was repealed again I believe in 1990. That date may be imprecise. Each time it had gone to the House and then repeal had been removed.

So that is the Cuban Adjustment Act. It is certainly one of the most arcane and surely one of the most remarkable vestiges of a time long past; a remnant.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. SIMPSON. Yes. I certainly will.

Mr. KENNEDY. If the immigrants come from Cuba under the existing exchange agreement, are they denied the other kinds of benefits that are available to others that come here as immigrants, or are they treated the same?

Mr. SIMPSON. Mr. President, all of those who come under the new proposal with the 20,000 per year for the 4 years,

or the 5, are exempt from this provision. They would continue to come under that agreement between the President and the Cuban Government. They are not part of this.

Mr. KENNEDY. I thank the chairman.

Mr. President, I support the Senator's opposition, or I support the provisions in the legislation that would repeal it, and oppose the amendment of the Senator from Florida.

Mr. President, to move this process forward we have invited other Members of the Senate to come forward and address the Graham amendments, and we certainly welcome whatever participation they would want to make.

I would like to—and I will—introduce other amendments that are related in one form or another to the Graham amendments because I think we will find that there will be a disposition in favor of it. I hope that the Graham amendments will be accepted. And, if they are accepted, at least one of mine then will not. I would ask that we not vote on that because effectively it would be incorporated in the Graham amendments.

There are other provisions that are related to the general idea of programs that would be available to needy people that I would want to have addressed by the Senate.

So, Mr. President, I will offer—and I have talked to the floor manager on this issue, and on the amendment that I had addressed the Senate earlier on, and that was to eliminate the deeming on those legal for those particular programs that have been included in the House of Representatives as to be no deeming eligibility for. I ask that the current amendments be temporarily set aside.

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

Mr. KENNEDY. These amendments have the way to address that rather fundamental principle which I addressed earlier which requires that there be two amendments.

I would ask they be incorporated en bloc. This has been cleared with the floor manager. Then when the vote comes, if it does come on those amendments, that the one vote would incorporate both those amendments.

Effectively, Mr. President, these two amendments amend different parts of the bill but they are essentially, as I described earlier, and that is to make the programs consistent here in the Senate bill with what happened in the House bill where over there they said that there would be no deeming for the essential kinds of programs that primarily benefit children. The reason for that is because it is in the public interest for our own children that would be adversely impacted, if the legal children did not have immunizations and other kinds of emergency kinds of services, treatments, and screening programs. I addressed that earlier. I will speak to the Senate subsequently. But I ask that that follow the Graham amendment. If the Graham amendment is accepted, then I would ask to vitiate the yeas and nays on it.

Mr. President, it would be my intention to offer an amendment on the Medicaid deeming to title II of the bill. I will send that to the desk in just a moment.

Let me explain what this amendment would do. I am deeply concerned that for the first time in the history of the program we will begin to sponsor deeming for Medicaid for legal immigrants. I recognize that this is a high-cost program of $2 billion for helping legal immigrants over the next 7 years. But public health is at stake—not just the immigrants' health. The restriction on Medicaid places our communities at risk. It will be a serious problem for Americans and immigrants who live in high immigrant areas. If the sponsor's income is deemed, and the sponsor is held liable for the cost to Medicaid, legal immigrants will be turned away from the program, or avoided altogether. These legal immigrants are not going to go away. They get sick like everyone else, and many will need help. But restricting Medicaid means conditions will be untreated and diseases will spread.

If the Federal Government drops the ball on the Medicaid, our communities and States and local governments will have no choice but to pick up Medicare and pick up the cost.

In addition to veterans, my amendment exempts children and prenatal and postpartum services from the Medicaid deeming requirements for legal immigrants. The bottom line is we are talking about children, legal immigrant children who will likely become future citizens. The early years of a person's life are the most vulnerable years for health. If the children develop complications early in life, complications which could have been prevented with access to health care, society will pay the costs of a lifetime of treatment when this child becomes a citizen.

Children are not abusing Medicaid. When immigrant children get sick, they infect American citizen children. The bill we are discussing today effectively means children in school will not be able to get school-based care under the early and periodic screening, detection and treatment program. This program provides basic school-based health care. Under this bill, every time a legal immigrant goes to the school nurse, that nurse will have to determine if the child is eligible for Medicaid. The bill turns school nurses into welfare officers. The end result is that millions of children will not receive needed treatment and early detection of diseases.

Consider the following example. A legal immigrant child goes to her school nurse complaining of a bad cough. The nurse cannot treat the girl until it is determined that she is eligible for Medicaid. Meanwhile, the child's illness grows worse. The parents take her to a local emergency room where it is discovered the little girl has tuberculosis. That child has now exposed all of her classmates—American citizen classmates—to TB, all because the school nurse was not authorized to treat the child until her Medicaid eligibility was determined.

Or consider a mother who keeps her child out of the school-based care program because she knows her child will not qualify for the program. This child develops an ear infection, and the teacher notices a change in his hearing ability. Normally, the teacher would send the little boy to the school nurse but cannot in this case because he is not eligible for Medicaid. The untreated infection causes the child to go deaf for the rest of his life.

In addition, the school-based health care program also provides for the early detection of childhood diseases or problems such as hearing difficulties, scoliosis—and even lice checks.

Prenatal and postpartum services must also be exempt from the Medicaid deeming requirements. Legal immigrant mothers who deliver in the United States are giving birth to children who are American citizens. These children deserve the same healthy start in life as any other American citizen.

In addition, providing prenatal care has been proven to prevent poor birth outcomes. Problem births, low birthweight babies and other problems associated with the lack of prenatal care can increase the cost of a delivery up to 70 times the normal costs.

In California, the common cost of caring for a premature baby in a neonatal unit is $75,000 to $100,000.

Many things can go wrong during pregnancy, and in the delivery room many more things will go wrong if the mother has not had adequate prenatal care. Without it, we allow more American citizen children to come into the world with complications that could have been prevented.

This is not an expensive amendment. According to CBO, the cost of care for children and prenatal services is less than the cost for elderly persons.

What we are talking about, Mr. President, is $125 million, the cost of this amendment—$125 million to deal with the cost to exempt children under 18, services to mothers, expecting mothers, and veterans, from Medicaid deeming—$125 million out of $2 billion. So it is a very reduced program. It is, again, for the children, again, for the mothers, and, again, for veterans who have served or who may still be legal immigrants and have served in the Armed Forces and need some means-tested program.

The most outstanding one is prescription drugs. That is really the number one program, where they be costed out, and these veterans would have difficulty in program terms for that kind of attention.

Furthermore, the cost of providing a healthy childhood to both unborn American citizens and legal immigrant children is far less than the cost to society in treating health complications

at delivery and throughout the lives of the children.

Finally, many legal immigrants serve in our Armed Forces. We mentioned that briefly at other times in the debates. Most veterans benefits are means tested. If the sponsor deeming provisions in the bill are applied to veterans benefits, some veterans will find themselves ineligible for VA benefits because the sponsor makes too much money or they are too poor to purchase health insurance.

My amendment allows those veterans to receive the health care they need under Medicaid.

This bill will make many immigrant veterans ineligible for health care assistance under their VA benefits. Currently veterans who are unable to defray the costs of medical care can qualify for means-tested benefits. There are several mandatory VA programs which are means tested. These programs provide vets with free inpatient hospital care and nursing home care. In addition, these programs help veterans pay for inhome care and out patient care. If these VA programs are deemed, Medicaid coverage may be the only safety net an immigrant veteran can receive.

Are we going to deny the 25,000 immigrants who are in the Armed Forces today—there are 25,000 of them who are in the Armed Forces today—who are sacrificing? And no one, I do not believe, was asking them when they joined whether they were being deemed or not being deemed. They were brought into the Armed Forces and served in the military. There are 25,000 of them who have served. All we are talking about are those particular ones who are going to have to have some special needs as I mentioned primarily in the area of prescription drugs. They have been serving this country and serving it well, many 2 or 3 or 4 years and even more.

So, Mr. President, this amendment effectively says that we will not have deeming when we are talking about children, mothers and veterans—children, mothers and veterans. We have carved that out of the Medicaid provision. You will not have deeming, one, for the public health purposes. I would like to do it because I think the most powerful argument is that the children are not the problem. Again, it is the problem of the magnet of jobs in this country and we should not be harsh on these children in particular.

I know there are those who say, well, the taxpayer has to do it. I am saying that it is a $2 billion tab. We are carving $125 million out of that and saying, both because the children are not the problem and for those who are looking for bottom lines, it is cheaper to have healthier children. These are children that are going to be American citizens. It is worthwhile that they are going to have an early start and we are going to be sensitive to those who have served under the colors of the country, the veterans who fall on particularly hard times to be able to benefit from the program.

Mr. President, will the clerk report.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be—

Mr. KENNEDY. It is my intention that we temporarily set aside the GRAHAM amendments, that the two amendments incorporated in the earlier presentation that said we are in this bill going to treat those limited emergency programs the way that the House of Representatives did and saying we are not going to have a dual standard for the illegals and legals—we are going to treat the legals the same as the illegals—to achieve that there had to be two amendments offered to amend two different parts of the bill, but it is a rather straightforward provision. Rather than require a vote on each provision, I had talked to the floor manager and we had hoped that we would vote on those two en bloc.

And then the second amendment that I have sent to the desk deals with carving out the areas of Medicaid, for mothers, children, and the veterans. I believe that amendment has been sent to the desk. I would ask that my first amendment be temporarily set aside so that we would have that amendment before the Senate.

AMENDMENTS NOS. 3820 AND 3823

The PRESIDING OFFICER. If there is no objection, the Graham amendment will be set aside and the two en bloc amendments by Senator KENNEDY will be considered.

The clerk will report those amendments.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes en bloc amendments numbered 3820 and 3823 to amendment No. 3743.

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

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

The amendments are as follows:

AMENDMENT NO. 3820

(Purpose: To provide exceptions to the sponsor deeming requirements for legal immigrants for programs for which illegal aliens are eligible, and for other purposes)

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1996.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence of child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3823

(Purpose: To provide exception to the definition of public charge for legal immigrants when public health is at stake, for school lunches, for child nutrition programs, and for other purposes)

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).''.

The PRESIDING OFFICER. If there is no objection, those amendments are set aside.

AMENDMENT NO. 3822 TO AMENDMENT NO. 3743

(Purpose: To exempt children, veterans, and pregnant mothers from the sponsor deeming requirements under the medicaid program)

The PRESIDING OFFICER. The clerk will report the third Kennedy amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3822 to amendment No. 3743.

Mr. KENNEDY. 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:

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3760

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. I ask unanimous consent it be in order for the yeas and nays to be ordered on amendment No. 3760.

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

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on amendment No. 3760.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, I had not intended to speak further, prior to

the time immediately preceding the vote on these two amendments, but I would like to respond to some of the comments made by the Senator from Wyoming.

First, on the Cuban Adjustment Act issue, the precise issue is the one that the Senator from Wyoming has stated, and that is, is the Cuban Adjustment Act an anachronism? Is it a dinosaur which served a purpose at a time past but is no longer relevant to the future?

The fact is, Mr. President, what is an anachronism, what is a dinosaur is the Fidel Castro regime in Cuba, a regime which has held its people in tyranny for 3½ decades. Until that regime is replaced with a democratic government, the Cuban Adjustment Act continues to play the same positive role as it did when it was adopted in 1966.

I am also concerned about the statement that there is no longer a need for the Cuban Adjustment Act. Between 1990 and 1994, prior to the current Cuban migration agreement of 1995, there were an average of 20,000 persons a year who were in the country legally, had resided here for a year, and asked for the discretionary act of the Attorney General to have their status adjusted. Assumedly, there continue to be thousands of people who arrived prior to the migration agreement of 1995 who are awaiting eligibility to ask for that discretionary act. So, yes, there is a need.

Second, the proposal which is in S. 1664 would only apply to those persons who arrived under the migration agreement of 1995 in the status of parolees. According to the statistics of the Immigration and Naturalization Service, since that agreement was in effect, approximately half of the Cubans who have arrived in the United States did not arrive as parolees. They came as either refugees or as visa immigrants. Under the reading of S. 1664, those persons who came under the migration agreement of 1995, would not be eligible to adjust their status because they did not come in the specific category of a parolee.

So the anachronism is in Havana, not in the laws of the United States. The need continues to exist today as it did 30 years ago. I urge adoption of the amendment which has been cosponsored by Senator DOLE, Senator MACK, Senator ABRAHAM, SENATOR BRADLEY, Senator HELMS, Senator LIEBERMAN—a broad, bipartisan consensus that the date for the change of the Cuban Adjustment Act is the date when democracy is restored to Cuba.

Second, on the amendment relative to truth in advertising and deeming, the Senator from Wyoming says the issue is the fact that we are not covering, under the amendment which I have offered, a variety of programs for which he thinks deeming should apply. I do not see that as being the issue.

The issue is, are we going to pass a vague law which states that the income of the sponsor shall be deemed to be the income of the legal alien for any benefits under any Federal program of assistance or any program of assistance funded in whole or in part by the Federal Government.

That is the proposition which is currently before us. I might say, happily, that that represents a restriction, because the original version of S. 1664 applied that same vague language, not just to federally funded programs but to programs by governments at the State and the local level. Now at least we are only dealing with federally funded programs, in whole or in part.

But the fundamental principle of our amendment is let us be specific. Let us tell the American people, let us tell the legal aliens and their families who are affected, let us tell those persons who are attempting to provide these services in a reasonable way what it is we intend to be covering. Let us list specifically what those programs are in the future as we have in the past. The current U.S. immigration law lists specifically those programs for which the sponsor's income is deemed to be the income of the sponsored legal alien. I think that was a wise policy in the past, and it is a policy which we should continue into the future. That is the fundamental issue.

That is why the major State-based organizations, from the Conference of State Legislators, the National League of Cities, the National Association of Counties—all of those organizations are supporting this amendment because they say we want to know precisely what it is we are going to be responsible for administering, since it is going to be our responsibility to do so. That is why those organizations are concerned about the massive, unfunded mandate that is about to fall upon them, both for the administrative costs of arriving at these judgments and the cost when services that are no longer going to have a Federal partner will become the obligation of local government.

The Senator from Wyoming left the inference that there were two places through which these services for legal aliens could be paid. One was by the Federal Government; second, by the sponsor. I suggest that there is a third, fourth, fifth, sixth, and so forth additional party who will be picking up these costs. Those are the thousands of municipalities, the 3,000 counties, and the 50 States of the United States that will be responsible.

Let me remind my colleagues that, by Federal law, we require a hospital emergency room to render service to anyone who arrives and requests that service, regardless of their ability to pay. So, what currently the law is, is that if it is a legal alien who is medically indigent, that cost will be a shared cost, with the Federal Government paying a portion and the States paying a portion. With what we are about to do, we are going to make that cost an unreimbursed cost to that hospital. Typically, it will be a public hospital. So it will end up being a charge to the taxpayers of that community or that State in which the legal alien lives. It is for that reason that, in addition to those groups that I listed, the Association of Public Hospitals supports this amendment, the Graham amendment, the truth in advertising, in deeming, amendment. It is also the case this has received support of the major Catholic organizations which, of course, operate substantial health care facilities in many communities in this country.

So, it is not correct to say the only two people who are at the table are the sponsor and the Federal Government. The reality is there is a whole array of American interests at the table. Unfortunately, under the amendment as currently written, they do not know what is being negotiated at the table. They do not know what the agenda is at the table. They do not know what their responsibilities are going to be, beyond the vague standard that they have to deem the income of the sponsor for any program of assistance funded in whole or in part by the Federal Government.

So I do not think that is good government. That is not good policy. It is not a respectful relationship with our intergovernmental partners, and it is directly contrary to the spirit of the unfunded mandate bill which this Senate passed as one of the first acts of the 104th Congress.

So for that reason, Mr. President, I urge my colleagues to vote yes on each of the two amendments that we will have before us this afternoon: First, the Cuban Adjustment Act amendment and, second, the truth in advertising in deeming for legal aliens amendment.

Thank you, Mr. President.

Mr. SIMPSON. Mr. President, I believe my friend the Senator from Alabama would like to speak on his own hour. I certainly yield for that.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise today in support of S. 1664, the Immigration Control and Financial Responsibility Act, which was reported out of the Judiciary Committee, after a rather long and arduous process, by a vote of 13 to 4.

I especially commend my long-time friend and colleague, Senator ALAN SIMPSON, who is chairman of the Judiciary Subcommittee on Immigration who has guided this legislative effort which is aimed at reducing illegal immigration in this country. He has the patience of Job, and I will miss his good company when we end our Senate careers, which began together 18 years ago. Also, I commend Senator KENNEDY who has worked diligently on this bill, as he does on so many legislative proposals.

I do not believe that there is much question that we need to reduce the high level of illegal immigration in this country, which has been an enormous drain on the country's welfare system, its public education system, as well as other Government resources.

The committee report shows that the number of illegal aliens apprehended each year since 1990 has been over 1 million. This figure alone justifies the steps that need to be taken to reduce illegal immigration.

The provisions in title I of this bill will strengthen law enforcement efforts against illegal immigration. The bill provides for additional law enforcement personnel and detention facilities, authorizes pilot projects to verify eligibility for employment and contains provisions to reduce document fraud.

Title I contains higher penalties for document fraud as well as alien smuggling, and it also streamlines exclusion and deportation procedures and establishes procedures to expedite the removal of criminal aliens.

The provisions in title II relating to financial responsibility of aliens is very important. I believe that aliens should be able to support themselves and, in fact, the U.S. law requires that an immigrant may be admitted to the United States upon an adequate showing that he or she is not likely to become a public charge. This has been a longstanding policy of our Nation, and the legislation before this body would strengthen that policy.

Title II contains certain provisions to reduce aliens being a burden on our Nation's welfare system. It contains a provision that an alien is subject to deportation if she or he becomes a public charge within 5 years from entry into the U.S.

Title II prohibits the receipt of any Federal, State or local government assistance by an illegal alien, except in rare circumstances, such as emergency medical care, pregnancy service or assistance under the National School Lunch or Child Nutrition Act.

Further, one of the ways an alien can prove he or she will not become a public charge is to have a sponsor in the U.S. file an affidavit of support which, under current law, requires the sponsor to support an alien for 3 years. This legislation increases a sponsor's liability to 10 years, which is the same time it takes any citizen to qualify for Social Security retirement benefits and Medicare. This liability against the sponsor is reduced if the alien becomes a citizen before the end of the 10-year maximum period.

These are some of the highlights of this important legislation. A number of amendments have been offered to this bill, some of which I will support and others that I will oppose. But I will keep my eye on the overall objective of the bill, which is to support a national policy to reduce illegal immigration and to make it unattractive for illegal aliens to come to the United States.

In these days of declining governmental resources, we must provide for our own citizens first and foremost. This legislation, under the worthy stewardship of Senator SIMPSON and augmented by Senator KENNEDY, is a step in the right direction.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, through the years of my work in this area, no one has been more available to visit with, to commiserate with, to talk with than my old friend from Alabama, Senator HOWELL HEFLIN. He has been a wonderful friend and, more appropriate, he has listened attentively to these issues of legal and illegal immigration and always, indeed, has been supportive when he could and at least I always understood when he could not. No one could have assisted me more through the years than the senior Senator from Alabama. I appreciate that very much in many ways.

Mr. President, how much time do I have remaining on my own time before seeking time to be yielded from generous colleagues?

The PRESIDING OFFICER. The Senator has 31 minutes.

Mr. SIMPSON. Mr. President, let me speak then on the Kennedy amendments. I have spoken on the Cuban Adjustment Act, and I have spoken on the Graham amendment. Let me speak briefly on the Kennedy amendment, the Kennedy amendment en bloc, the two that have been joined and the next one, a singular one, and I address them together because they are very similar.

Let me say that, indeed, I oppose the Kennedy amendment and I go back to this singular theme that we must not deviate from: Before a prospective immigrant is approved to come to the United States, that person must demonstrate that he or she is not likely at any time to become a public charge.

I know that is repetitive. It was the law in 1882. The individuals meet this public charge requirement by a sponsor's written agreement, an affidavit of support. It is to provide support if the alien ever needs support. If the alien needs nothing, the sponsor pays nothing. If suddenly the alien says, ''I can't make it, I'm going to have to go on welfare, I'm going to have to receive assistance,'' the sponsor steps in, not the USA. We are trying to avoid the step in these various amendments to say the sponsor is not in this game and the USA is. We say that if the sponsor is deceased or bankrupt or ill, or whatever it may be, that that person will be taken care of.

The committee bill requires all welfare programs to include the sponsor's income when determining whether a sponsored individual is eligible for assistance. In other words, the U.S. Government will require the sponsors in this bill to keep their promises.

CBO has scored this as a significant private-sector mandate. I think that is a most appropriate definition because it should be a private-sector mandate. Sponsors should not expect free medical care from U.S. taxpayers for their immigrant relative when they can provide it themselves. That is what we are talking about.

If they cannot provide it themselves, I am right with Senator KENNEDY, then this Government could do so. But why let the sponsor off the hook? I think that is a mistake.

Senator KENNEDY's amendment would exempt Medicaid from any welfare restrictions for a substantial number of cases. We again should be very clear what deeming does. It does not deny medical treatment to any child or to any pregnant woman. The stories that touch our heart are not affected. You can get that kind of care. You can get that kind of emergency care. It does not deny medical treatment to any child or any pregnant woman with all of the poignant stories we can tell. But it does require that the sponsor who promised to provide the assistance will fulfill their pledge if—if—they are capable of doing so.

I say that my colleague should know that if a sponsor does not have enough money to provide medical assistance, then Medicaid and all other welfare programs are available, all of them. If a sponsor dies, then Medicaid and all of the public assistance programs are available to the newcomer. We are not going to throw sick children into the streets or deny xrays or deny care or any of that type of activity. We are only asking sponsors to keep their promises and pay the bill, if they have the means.

I chair the Veterans Affairs' Committee. I do know how tough it is to discuss the word ''veterans.'' But I am wholly uncertain why the veteran exemption is included at all, because all veterans and their families are eligible for medical care through our veterans hospitals—all of them. Needy veterans—needy veterans, poor veterans, incompetent veterans, whatever, they are provided free medical care, free medical care, through the more than 700 veterans facilities throughout this country, under a completely separate program, which is not Medicaid. It is a huge program. The veterans of this country receive $40 billion per year, which is not Medicaid, not that health care. They have the DOD, the Department of Defense, with CHAMPUS and dependents' health care of those in the military. That is another $4 billion we do not even count. We wonder what is happening.

It is because we are generous. We should be generous. No one—no one—disputes that. But if my colleague wants to provide an exemption for these veterans hospitals, I would certainly try to work something out. I share that. But let us not, however, exempt sponsors of a large number of Medicaid beneficiaries from any responsibility for those they have pledged to support under the guise of fair treatment for veterans.

There are 26 million of us who are veterans. We spend $40 billion. The health care portion of that is huge, over half. There are 26 million of us. We go down in numbers 2 percent per year. You could not be more generous

to veterans. This is a hook. This is one of those hooks we use to do a debate; mention the word ''veterans'' or ''kids'' or ''seniors.'' That is how we got here to a debt of $5 trillion, which is now $5.4 trillion. If we do all the evil, ugly things that will be done or could be done in our discussion, the debt will be $6.4 trillion at the end of 7 years.

So my colleagues know that the Federal Government spends more on Medicaid than any other welfare program. Use of this program by recent immigrants is very significant. For Medicaid alone, CBO estimates that the United States will pay $2 billion over the next 7 years to provide assistance to sponsored aliens. So I hope we might dispose of that amendment.

The Senator from New Mexico is here and in a time bind. I yield to Senator DOMENICI.

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

Mr. DOMENICI. Might I ask, are we on time limits?

Mr. SIMPSON. The Senator's own time.

The PRESIDING OFFICER. The Senator has 1 hour under rule XXII.

Mr. DOMENICI. I yield myself 7 minutes and hope I do not interrupt what all of you have been talking about.

Mr. President, let me just suggest that if the American people understood what we have let happen to immigration in the United States with reference to the welfare program, I believe, in spite of their genuine interest in immigration and in letting the mix continue in America, I believe they would come very close to saying, ''Stop it all.'' I am going to tell you why.

First, Senator DOMENICI from New Mexico is not against letting people from all over the world come to our country under an orderly immigration process. How could I be against that? I would not be here if we did not have such a policy at the turn of the century. Both of my parents—not grandparents—came from the country of Italy.

In fact, my mother, unknowingly, remained an illegal alien well into the Second World War because the lawyers had told my father that she was a citizen, and she was not because the law had changed. So I understand all of that. I even witnessed her getting arrested by the immigration people after she had been here 38 years with a family and was a stalwart of the community, because technically a lawyer had told my father she was a citizen, and she was not.

I understand how immigrants add to the energizing of this great Nation. I understand how they provide through their gumption and hard work, how they provide very positive things for America. I am not here talking about changing that or denying that. But I want to just start by ticking off a couple of numbers and then telling the Senate what has happened that I think this bill fixes. And welfare reform, as contemplated, completes the job.

We tend to think we have a policy that we will not provide welfare to legal aliens who come to America because we think they all want to go to work, want to take care of themselves, and we have sort of let the programs develop without any supervision. So let me give you a couple of examples.

There are 2.5 million immigrants on Medicaid—2.5 million. There are 1.2 million on food stamps—1.2 million. AFDC, 600,000.

It seems to me that, if we have a policy that you bring in aliens and somebody is responsible for them, then how did we let this happen? Then, to top it off, let me give you the case with reference to the SSI program and immigrants. SSI is itself a welfare program. It is paid for by the general taxpayers of America, not to be confused with a Social Security program for disability that is paid for with Social Security trust funds and people had to work a certain number of quarters to earn it.

I want to say since our earliest days, colonial days, excluding likely public charges has been a feature of our immigration laws.

Also, once immigrants are here and they become a public charge, that immigrant could then be deported. Let me repeat. From our earliest days, likely public charges excluded from the welfare system was part of the American tradition and law, and once here, if they became a public charge, they would be deported.

Data shows that immigrants, in fact, become public charges, and the problem is growing. In testimony before the Budget Committee, George Borjas, of Harvard University, presented some startling data showing the immigrants' use of welfare benefits, and showing that it is now higher than that of the general population. Let me repeat. This professor showed that immigrants are using our welfare system benefits in higher percentages than that of the general population.

Let me take one program on and lay it before the Senate and the public today—the supplemental security program, SSI. That is the fastest growing program in the Federal budget. It is the fastest growing program in the Federal budget. This rapid growth, Mr. President, is due largely to elderly sponsored immigrants coming onto the rolls. That means elderly immigrants are being brought to America under a law that says Americans who bring them will be responsible for them, and they sign agreements saying that is the case.

Now, is it not interesting that if that is what we intend, that something is going wrong? The American taxpayers, who are asking us to take care of Americans in many areas where we do not have money, are paying through the nose for immigrants who came here under the pretense that they would be taken care of, but now we are taking care of them.

According to the Congressional Budget Office, 25 percent of the growth in SSI—that is the supplemental security income participants—between 1993 and 1996 is due to immigrants. Now, that is an astounding number because if you look at the percentage that the immigrants bear to that population, the elderly immigrants represent 6 percent of the elderly SSI population and, today, 3 percent of the population of older Americans are legal immigrants, but 30 percent of the SSI beneficiaries are legal immigrants.

Something has gone awry when a large portion of this population is immigrants. That is what this very simple chart shows: 2.9 percent of the general population are immigrants and 29 percent of the SSI-aged beneficiaries are immigrants—10 times the ratio that their population bears to the group that would be entitled to SSI. One might say that is such a gigantic mismatch that it seems like it is almost intentionally occurring. Somebody is planning it so that Americans pay for immigrants who come here with a commitment that somebody else will take care of them, but when they get old, the Government takes care of them.

I believe that there are data—and they are growing—that maybe sponsors bringing their relatives to the United States do so intending to put them on SSI. This chart shows that the minute the deeming period is over, immigrants apply for SSI. In fact, let us look at this one. Within 5 years of entry into the United States, over half of those on SSI have applied. It almost seems that they come here, and those who bring them here plan to put them on the public welfare rolls under SSI at the very earliest opportunity.

For those of us who promote family unification, which is one reason they get their elderly parents into America, we are beginning to be very suspicious of whether the promoting of this family unification by many is to bring parents here so the Government of the United States can take care of them as immigrants in the United States. That is something that none of us really believe should happen.

There are over 1 million aliens on food stamps; half a million are on AFDC; 2½ million are on Medicaid; and untold hundreds are on small means-tested benefit programs. Clearly, there is a large number of aliens receiving public benefits and, therefore, they are now public charges.

I want to suggest that it is amazing. The testimony before our committee said that even though the INS, Immigration and Naturalization Service, is charged with deporting public charges, through the last 10 years only 13 people were actually deported. Of the millions that came in—and hundreds of thousands are obviously public charges in dereliction of our Federal law—there was a response of only 13 deportations.

So my question is, How does this happen, and will we let it happen and continue to grow? My opinion is that this bill goes a long way in trying to

resolve that issue on the side of American taxpayers, who work hard to earn their money and then give it to the Government and find that, in turn, there is such dramatic abuses of our welfare assistance to those in need, perhaps by aliens who seem almost to be brought here in contemplation of taking advantage of all of this. It seems that simply making the support affidavit legally enforceable is a legislative wish.

Once again, in testimony in front of the Budget Committee, where we were concerned about the skyrocketing costs, there was an analogy drawn between a sponsor's affidavit of enforcement and child support enforcement. I only raise that because child support enforcement is almost one of these things that bear the wrong name because you cannot enforce it. You do not have enough bureaucracy or computers to enforce it. I think when we are finished, we may find ourselves in the same place again because the enforceability of these affidavits is going to be such a monster job that I am not sure it is going to work. But at least we are on record saying it is to be enforced, and we have set the rules in this bill to make this a better opportunity on behalf of our taxpayers.

A panelist asked, How can we expect to make enforcement of affidavits work? Then they said the 20 years of experience in the child support program would indicate it may not work.

Does the Immigration Service, or any other entity charged with implementing this bill, have the resources to effectively administer the deeming requirement and enforce the affidavit? I am not sure. Perhaps the sponsors can address that in due course.

Do we think that there are other steps that should be taken, perhaps along the lines of immigrant restrictions that are in the welfare bill—a 5-year ban on receipts, all noncitizens ineligible for SSI and food stamps?

Could these steps be an interim solution until we have an effective screening mechanism for public charges, enforcement of support orders and deeming requirements?

Mr. President, I did not come to the floor to criticize the bill because, in fact, it makes a dramatic change in the direction of seeing to it that the public charge is minimized when indeed it should be minimal, not played upon, abused in some instances, and even planned abuse to see to it that aliens come and when they get old enough, they go on the public welfare rolls, even though that was never contemplated by our laws—either immigration or welfare.

Mr. President, I thank Senator SIMPSON for yielding the floor so I could use part of my time.

I yield the floor.

Mr. SIMPSON. Mr. President, I hope every one of our colleagues have heard the remarks of the senior Senator from New Mexico. They were powerful, startling, and here is the man whom we entrust with handling our budget activities. And who does it with greater skill and dogged determination than this man? He is citing what has happened to the things that we believe in and that we try to support. I know they have been so seriously disrupted and distorted. They could not have been made more clear. I thank the Senator. With a few words, and with a graph or two, he placed it in better perspective than I possibly could. The present situation is simply unsustainable, and it is going to become ever more so.

Mr. DOMENICI. I thank the Senator.

I will add one further comment. I am firmly convinced—and I think the Senator from Wyoming is—that if the American people understood this problem they would be on his side on this bill. I do not believe with the budget constraints—and having to look at the many programs affecting American citizens and immigrants who become citizens who are working and moving America ahead—that we have this kind of situation involved with reference to in the broadest sense our welfare programs. That does not mean in every single sense I agree with the Senator's approach in this bill. Maybe lunches for school kids may be an exception. It is a bit burdensome. But essentially we have to know what we are giving these people, and decide what we can afford. I think that is to be the prevailing test. And, frankly, we cannot afford a lot. We just cannot. We cannot take care of American citizens in this country.

I thank the Senator for his comments.

Mr. SIMPSON. I thank the Senator from New Mexico.

I have toyed with the issue of doing something with regard to legal immigration, and that was a rather less effective exercise. Somebody else can deal with that one in the years to come because this is all a part of that.

AMENDMENTS TO BE CONSIDERED EN BLOC—NOS. 3855 AND 3857 THROUGH 3862; AND 3853 AND 3854

Mr. SIMPSON. I have two unanimous-consent requests.

I ask unanimous consent that amendments 3855 and 3857 through 3862 be considered en bloc, and I also ask unanimous consent that amendments 3853 and 3854 be considered en bloc.

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

MAKING CORRECTIONS TO PUBLIC LAW 104–134

Mr. SIMPSON. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 387, Senate Joint Resolution 53.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 53) making corrections to Public Law 104–134.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

INTERNATIONAL VOLUNTARY FAMILY PLANNING

Mr. HATFIELD. Mr. President, this resolution makes several adjustments to the Omnibus appropriations bill which the President has signed. I would like to take this unexpected opportunity to express my disappointment, and some astonishment, at the way the funding issue on international voluntary family planning found its conclusion.

Though I wrote the language on family planning that this resolution repeals, despite what misgivings I and others may have about this action, we made a deal in conference and will stick to it.

Since we are all a little battle-weary from consideration of the omnibus bill, I will forego a reiteration of the history of the family planning provision, or a reassertion of what has already been stated on the merits of the issue. A few points that were lost in the din of debate, however, deserve a brief note.

It is axiomatic that reducing the number of unintended pregnancies in the world will reduce the number of abortions. Conversely, where there is no access to family planning, and this will be the case in more regions of the world now, the number of abortions and maternal deaths will quickly rise.

Through the 85-percent cut in AID's voluntary family planning program which regrettably is now in the law, we are going to find this out the hard way. Of the many ironies which have dogged this matter from the outset, among the most painful is that hundreds of thousands of women and children are going to die because prolife Members of Congress, many of whom understand basic biology, failed to apply their understanding to this issue.

A related irony is that voluntary family planning has become hostage to the politics of abortion. Though AID is prohibited by law from using any U.S. money for abortion, the fungibility argument, a slim reed at best, is being used to deny family planning services to millions of poor couples overseas. While prolife Members continue to engage in fungibility discussions, millions more abortions will occur. This offends both decency and common sense, but for now it appears that we can do no better.

We all care about vulnerable families, particularly women and children. I will remind my colleagues, especially those who would fund child survival programs but cut family planning, that UNICEF's ''State of the World's Children'' report states that ''Family planning could bring more benefits to more people at less cost than any other single 'technology' now available to the human race.''

I assure my colleagues that this matter will not go away. It is my hope that Members on both sides of this issue will avoid the temptation to let rigid

ideology stand in the way of compassion and common sense in the next round of debate, which will surely occur on the fiscal year 1997 foreign operations appropriations bill.

Mr. FEINGOLD. Mr. President, I want to speak briefly on the technical correction bill to the continuing resolution which the Senate is about to consider.

It is my understanding that the legislation passed last week inadvertently included the text of the Hatfield amendment, which provided that the harsh restrictions on the operations of the international family planning program could be waived if the President determined that they would interfere with the delivery of such services and result in a significant increase in abortions than would otherwise be the case in the absence of such restrictions. That amendment had been adopted by the Senate by a vote of 52 to 43, but the conferees nevertheless evidently decided to abandon the Senate position. That was a very unfortunate decision, in my view, that will have an adverse impact worldwide on efforts to provide family planning services to individuals in developing countries.

It is not my intent, nevertheless, to take advantage of what was a clerical error in the actual text of the continuing resolution. I recognize that the comity of the Senate requires that both sides of the aisle work in good faith in these areas.

However, I do want to note for the record, that this courtesy was not extended by the Senate Foreign Relations Committee majority to the minority when a somewhat similar drafting error occurred during consideration in the Senate Foreign Relations Committee of the international family planning authorization legislation on the foreign aid authorization bill. At that time, we were advised that although the intent of our amendment was clear, a drafting error occurred which did not reflect the intent of the Committee in adopting, by a vote of 11 to 5, an amendment relating to the international family planning program, and that a technical correction would not be permitted without the entire committee revisiting the issue. My staff was advised that this comity, which is routinely provided when committee staff are authorized to make technical and conforming amendments, would not be extended in this case because the issue involved family planning and abortion which were important to the chairman. Unfortunately, there were other incidents involving population issues during the Foreign Relations Committee's deliberations that also damaged the sense of comity that has traditionally characterized the Senate.

Mr. President, these issues are very important to me and to many Members of the Senate. Indeed, a majority of the Senate repeatedly voted in favor of the international family planning program in a number of votes taken on the foreign operations appropriations bill. The position taken by the conferees on the continuing resolution does not reflect the Senate's position on this issue and I very much regret that the Senate conferees did not uphold the Senate's position. I must say I am confounded why the anti-abortion movement would try to dismantle the very program that does more to prevent abortions than any other campaign.

However, I do not believe that it is appropriate to take advantage of a clerical error to regain our position. I hope that in the future similar courtesy will be extended when the shoe is on the other foot—even when the issue is of great importance to individual Members or is as sensitive as population policy is.

I also hope that now that the population program is resolved for this year, that the program—however small it is—be allowed to go forward. There are currently over 50 population program actions that the administration has notified the Congress of, but which cannot proceed since the chairman of the Senate Foreign Relations Committee routinely puts a hold on all population programs. Even those of us who fervently oppose these reductions accept we need to live with them; I wish that opponents of the program would also try to abide by this compromise, and allow what is left of the program to proceed.

Mr. KERRY. Mr. President, once again I come to the floor about an issue of vital importance—international family planning funding.

In the fiscal year 1996 foreign operations appropriations bill, a draconian provision was enacted that is decimating our family planning programs worldwide. Under that provision, no new funding can be used for population assistance until July 1, 1996—a full 9 months into the current fiscal year. Beginning in July, the program will be funded at a level reduced 35 percent from the 1995 funding level, to be allocated on a month-by-month basis for the next 15 months.

Mr. President, in dollar figures, the effect of this provision is catastrophic. The net result is to cut funding for family planning programs from $547 million in fiscal year 1995 to $72 million for this fiscal year. This is an 86-percent cut in just 1 year. This is indefensible. This is foolish. This is wrong.

Recognizing the damage being done by these restrictions, Senator HATFIELD sponsored an amendment to the last continuing resolution [CR] which would have allowed funding for these programs to resume. Senators DOLE and MCCONNELL tried to defeat that amendment but their effort was overwhelmingly rebuffed by a bipartisan majority in the Senate. Unfortunately, the Hatfield language did not survive in conference. Once again, the Republican majority in the House, which opposes these family planning programs, refused to accept the Hatfield amendment, or in fact any other compromise language offered by the Senate conferees to deal with this issue responsibly.

In a strange twist of fate, however, the conferees left in Senator HATFIELD's language by mistake. The final bill that was passed by the House and the Senate would, in other words, remove these intolerable and destructive limitations on family planning programs.

Now we are being asked to correct that mistake—in effect, to put back into place those very restrictions that a majority of us voted against and which we have worked so hard to overturn. I understand that this is merely the correction of an unintentional mistake. However, I would ask: Would the other side do the same for us if they were in our shoes? Would they agree to help us eliminate language they strongly supported? And sadly, the one recent instance I can remember of a case like this in the Foreign Relations Committee is that they did not accommodate us. So I think the Senate should be reminded of how far out on a limb we are going.

I will not object to this unanimous-consent request. However, should the situation be reversed, and we err at some time in the future, I hope our colleagues on the other side of the aisle will extend the same courtesy to us.

I want to express my strong conviction that international family planning programs are in America's best interest. Funding for these programs is an investment that will save the lives of thousands of women and prevent millions of unplanned births and abortions in the future. These programs will help to ensure that newborn babies will be more healthy and to avert the problem of overpopulation.

I joined Senator SIMPSON in representing the United States at the 1994 International Conference on Population and Development in Cairo, where the United States played a leadership role in galvanizing the international community to action. The conference called for a global effort to address overpopulation and to work together to promote maternal and child health care, educational opportunities for women and girls, and, most importantly, family planning programs. After pledging to provide world leadership in the area of international family planning, we cannot abandon our global partners at this juncture.

Mr. President, let me take a moment to address what I believe is clouding the debate about family planning programs. There are some who want to equate family planning with abortion. Let me make clear: Family planning does not mean abortion.

In fact, statistics prove that when women have access to voluntary family planning programs, the incidence of abortion decreases. Through education and contraception, family planning programs help women and families living in impoverished countries to begin childbearing later in life and to space their children. The issue of helping

families better plan for children is in the interest of all those involved.

In addition, Federal law prohibits the United States from funding abortions abroad. The U.S. Agency for International Development has strictly abided by that law. Those who argue that international family planning programs fund abortions abroad are simply wrong.

Mr. President, by denying people access to the family planning programs worldwide by slashing their funding, there will be an estimated 4 million more unintended pregnancies every year, close to a million infant deaths, tens of thousands of deaths among women and—let me emphasize to my colleagues who oppose permitting women to choose abortions in the case of unwanted pregnancies—1.6 million more abortions.

These programs provide 17 million families worldwide the opportunity to responsibly plan their families and space their children. They offer a greater chance for safe childbirth and healthy children, and avoid adding to the population problem that hurts all of us and hurts the unborn generations even more severely.

In order to spend the population money the administration will have to send the required notifications to the appropriate congressional committees. When that process begins, I hope that those on the other side of the aisle who oppose family planning programs will remember that supporters of family planning programs, on both sides of the aisle, allowed this technical correction to be made and that they will not use the notification process to prevent the funds from flowing.

The Senate has voted time and time again in favor of international family planning programs. Soon we will begin consideration of the fiscal year 1997 budget. Make no mistake about it. Family planning will be an issue and the Senate will continue to fight for its position on this issue. The time is long overdue for the House majority to start acting responsibly on an issue that will affect generations to come.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the joint resolution be considered read for a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the joint resolution was considered, deemed read for a third time, and passed; as follows:

S.J. RES. 53

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(a) In Public Law 104–134, insert after the enacting clause:

''TITLE I—OMNIBUS APPROPRIATIONS''.

(b) The two penultimate undesignated paragraphs under the subheading ''ADMINISTRATIVE PROVISIONS, FOREST SERVICE'' under the heading ''TITLE II—RELATED AGENCIES, DEPARTMENT OF AGRICULTURE'' of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, are repealed.

(c) Section 520 under the heading ''TITLE V—GENERAL PROVISIONS'' of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, as contained in section 101(e) of Public Law 104–134, is repealed.

(d) Strike out section 337 under the heading ''TITLE III—GENERAL PROVISIONS'' of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, and insert in lieu thereof:

''SEC. 337. The Secretary of the Interior shall promptly convey to the Daughters of the American Colonists, without reimbursement, all right, title and interest in the plaque that in 1933 was placed on the Great Southern Hotel in Saint Louis, Missouri by the Daughters of the American Colonists to mark the site of Fort San Carlos.''

(e) Section 21104 of Public Law 104–134 is repealed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Graham amendment No. 3760 at 2:15 today, and immediately following that vote there be 2 minutes of debate equally divided in the usual form to be followed by a vote on or in relation to the Graham amendment No. 3803 with the clarification that there be 2 minutes of debate equally divided on each of those amendments, and that the debate begin at 2:15.

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

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

Mr. President, I will submit the amendment in a moment. As we prepare to do that, let me say that I will proceed to an amendment. Senator KENNEDY has certainly accelerated the process. I am very appreciative. He and I intend to deal with the hot button items, and certainly the one with regard to deeming and public assistance and welfare is one of those. Anything to do with verification is one of those.

So now I do not think this one will be exceedingly controversial because it will deal with the issue of the birth certificate, and the birth certificate is the most abused document. It is the breeder document of most falsification. I have tried to accommodate the interests of Senator DEWINE.

I may not have met that test. But I certainly have tried. I have tried to meet the recommendations of Senator LEAHY, and certainly we have met the test of the issue of cost. Because we have it now so provided that I think we have met those conditions.

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Mr. President, I call up amendments at this time 3853 and 3854 and ask that they be considered en bloc.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside, and without objection it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) proposes amendments numbered 3853 and 3854 en bloc.

Mr. SIMPSON. Mr. President, I believe that those relate to verification. I am not prepared to bring those up at this time, and I ask unanimous consent that that request be withdrawn.

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

AMENDMENTS NOS. 3855 AND 3857 THROUGH 3862, EN BLOC

Mr. SIMPSON. I call up amendments 3855 and 3857 through 3862, en bloc.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) proposes amendments numbered 3855 and 3857 through 3862, en bloc.

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

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

The text of the amendments follow:

AMENDMENT NO. 3855

(Purpose: To amend sec. 118 by phasing-in over 6 years the requirements for improved driver's licenses and State-issued I.D. documents)

In sec. 118(b), on page 42 delete lines 18 through 19 and insert the following:

''(5) EFFECTIVE DATES.—

''(A) Except as otherwise provided in subparagraphs (B) or (C), this subsection shall take effect on October 1, 2000.

''(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, Paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

''(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, Paragraphs (1) and (3) shall apply—

''(I), during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

''(II), beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

''(C) Paragraph (4) shall take effect on October 1, 2006.''

AMENDMENT NO. 3857

Amend section 118(a)(3) to read as follows:

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate

system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services, in consultation with other agencies designated by the President, shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

AMENDMENT NO. 3858

(Purpose: To amend sec. 118 by providing that the birth certificate regulations will go into effect two years after a report to Congress)

In sec. 118(e), on page 41, strike lines 1 and 2, and insert the following:—

''(6) EFFECTIVE DATES.—

''(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

''(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B).''

AMENDMENT NO. 3859

Section 118(b)(1) is amended to read as follows:

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was, respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States, but not that the number appear on the card.

AMENDMENT NO. 3860

(Purpose: To amend sec. 118 by revising the definition of birth certificate)

In sec. 118(a), on page 40, line 24, after ''birth'' insert:

''of—

''(A) a person born in the United States, or

''(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is''.

AMENDMENT NO. 3861

Amend sec. 118(a)(4) to read as follows:

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—(A) not later one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth registered in the United States.

AMENDMENT NO. 3862

Amend section 118(a)(1) is amended to read as follows:

(a) BIRTH CERTIFICATE.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local authorized custodian of record and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Federal agency designated by the President after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) include but not be limited to—

(I) certification by the agency issuing the birth certificate, and

(II) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, for fraudulent purposes;

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

Mr. SIMPSON. Mr. President, these series of amendments deal with a certain issue. They are intended to improve section 118 of the bill which relates to the improvements in the birth certificate and driver's license. These were contained in a single amendment to this section of the bill, and they have been united en bloc.

These amendments in their en bloc form provide for a 6-year phase in of the driver's license improvements. It provides that the agency will develop the new minimum standards for birth certificate copies—the agency designated by the President and not necessarily the Department of Health and Human Services.

The second amendment, or the amendments, eliminate the reference to the phrase ''use by imposters.'' And the purpose here is to remove any implication that fingerprints, or other so-called biometric information will be required. That came up in the debate in committee. I have no desire to go to that intrusive level, and it is not there.

It directs the agency developing the new standards for birth certificate copies not to require a single design. That was part of the debate. Surely we cannot require a single design, and we do not.

All of the States would not have to conform to this, and it directs the agency to take into account differences between the States and how birth records are kept and copies are produced. And it directs the agency developing the birth certificate standards to first consult with other Federal agencies as well as with the States.

It requires the agency developing the minimum standards to submit a report to Congress on their proposed standards within 1 year of enactment, and then it also modifies the definition of ''birth certificate'' to clarify that it includes the certificate of a person born abroad who is a citizen at birth if the birth is registered in a State.

It also provides new minimum standards for birth certificate copies—copies—which will be in effect beginning 2 years after the report to Congress by the agency developing the standards. And it makes a technical amendment to part of the driver's license provision so that it will more accurately reflect the agreement between Senator KENNEDY and I during the Judiciary Committee markup.

That is the essence of the material, but let me add this. The amendment would phase in the bill's requirements for the improved driver's licenses and State issued ID documents over 6 years beginning October 1, 2000, the year suggested by the National Governors' Association.

Under my amendment, the improved format would be required only for new or renewed licenses or State issued ID documents with the exception of licenses or documents issued in one State where the validity period for licenses is twice as long—12 years—as that in States with the next longest period. This one State would have 6 years to implement the improvements. This is an accommodation that Senator KENNEDY is aware of. His State has some very interesting and sweeping legislation with regard to licenses.

Furthermore, the bill's provision that only the improved licenses and documents could be accepted for evidentiary purposes by Government agencies in this country would under the amendment I am now proposing not be effective until 6 years after the effective date of the legislation.

I wish to give Senator KENNEDY an appropriate time to respond before the hour of 12:30 when by previous order we will recess, but what we have tried to do is remind our colleagues once again that fraud resistant ID documents will not only make it possible for an effective system of verifying citizenship or work authorization but also greatly reduce illegal immigration.

The amendment is in response to the CBO estimate of the current requirement that these documents be implemented prior to October 1, 1997. The additional costs of replacing all licenses and ID documents by 1998, including those that would otherwise be valid for an additional number of years, would be eliminated. So instead of costing $80 to $200 million initially, plus $2 million a year thereafter, CBO estimates that the total cost of all the birth certificate and driver's license improvements would be $10 million to $20 million incurred over 6 years, and the CBO has written a letter to me confirming that fact. I ask unanimous consent it be inserted in the RECORD at this time.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 15, 1996.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As requested by your staff, CBO has reviewed a possible amendment to S. 1664, the Immigration Control and Financial Responsibility Act of 1996, which was reported by the Senate Committee on the Judiciary on April 10, 1996. The amendment would alter the effective date of provisions in section 118 that would require states to make certain changes in how they issue driver's licenses and identification documents. The amendment would thereby allow states to implement those provisions while adhering to their current renewal schedules.

The amendment contains no intergovernmental mandates as defined in Public Law 104–4 and would impose no direct costs on state, local, or tribal governments. In fact, by delaying the effective date of the provisions in section 118, the amendment would substantially reduce the costs of the mandates in the bill. If the amendment were adopted, CBO estimates that the total costs of all intergovernmental mandates in S. 1664 would no longer exceed the $50 million threshold established by Public Law 104–4.

In our April 12, 1996, cost estimate for S. 1664 (which we identified at the time as S. 269), CBO estimated that section 118, as reported, would cost states between $80 million and $200 million in fiscal year 1998 and less than $2 million a year in subsequent years. These costs would result primarily from an influx of individuals seeking early renewals of their driver's licenses or identification cards. By allowing states to implement the new requirements over an extended period of time, the amendment would likely eliminate this influx and significantly reduce costs. If the amendment were adopted, CBO estimates the direct costs to states from the driver's license and identification document provisions would total between $10 million and $20 million and would be incurred over six years. These costs would be for implementing new data collection procedures and identification card formats. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. SIMPSON. So with respect to birth certificates, the bill already requires, the bill we are debating, that as of October 1, 1997 no Federal agency—and no State agency that issues driver's licenses or ID documents—may accept for any official purpose a copy of a birth certificate unless it is issued by a State or local government rather than a hospital or nongovernmental entity, and it conforms to Federal standards after consultation with the State vital records officials. The standards would affect only the form of copies, not the original records kept in the State agencies.

The standards would provide for improvements that would make the copies more resistant to counterfeiting and tampering and duplicating for fraudulent purposes. An example is the use of safety paper, which is difficult to satisfactorily copy or alter.

There is no requirement in this bill that all States issue birth certificate copies in the same form, but in response to concerns that some have expressed the amendment I now propose explicitly to require that the implementing regs not mandate that all States use the single form for birth certificate copies and require the regs to accommodate differences among the States in how birth records are kept and how copies are produced.

These are the things that this provides. There is more. We will discuss it in further depth after we return from recess for our caucuses. But these are modifications suggested by the Governors and some of my colleagues, and the real issue is a very simple one. Birth certificates are the breeder document. You get the birth certificate—you can get it by reading the obituaries. Read the obituaries and write for the birth certificate—no proper certifications.

I yield to my colleague for any time he would wish on this or any other matter.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a brief comment on this measure. I think that Senator SIMPSON has made several valuable changes in the bill on the driver's licenses and birth certificates. I strongly support his proposal in this area to alleviate the concerns that the provisions amounted to an unfunded mandate. He has addressed those issues.

In addition, Senator SIMPSON has made important changes in the provision on the birth certificates. The amendment instructs the HHS, when issuing the guidelines for birth certificates, to not require birth certificates to be one single form for every State, and the other measures he has outlined.

This is a difficult issue for many, but it is an absolutely essential one. We are not serious in trying to deal with illegals unless we get right back to the breeder document, which Senator SIMPSON has done, and also in terms of a verification program, which we will have an opportunity to debate, and also in terms of the Border Patrol. Those are the essential aspects.

That is where the target is. Jobs are the magnet. This helps provide assurances that illegals are not going to get the jobs and legals, legal Americans will be protected. This is an extremely important provision. It is a difficult one and we will have a chance to address some of the related matters later in the afternoon.

Just very briefly, Mr. President, on some of the matters that were talked about earlier, I know my good friend from New Mexico talked about the SSI issues and also about how legals have moved into this process and have been drawing down on the program.

This issue of deeming has worked effectively with the SSI, and Senator SIMPSON has addressed that issue as presented in the SSI because it will go on for some 10 years—10 years. The deeming is an effective program, and it will go on for a period of 10 years.

So the principal concerns that the Senator from New Mexico has as has been pointed out here will be addressed in the Simpson program. Many of us are looking at other measures where we think the deeming should not be applicable and that is to try and ensure that legal immigrants are going to be treated identically to illegal immigrants for what are basically programs that will have an impact on the public health.

My good friend from Wyoming says we ought to deem those, too. The principal fact is when you deem those programs, deeming is effective and that gets people out of the programs. We do not want children with communicable diseases out of the program. We want them to be immunized. We want them to have the emergency care so that they will not infect other children. There is a higher interest, I would say, in those limited areas. The House of Representatives has recognized it as we do.

And then in the second proposal that I have put forward we recognize the importance of protecting expectant mothers, children and the veterans. Out of the $2 billion, it is $125 million. Again I think for those who have served under the colors of the United States, they ought to have at least some additional consideration as well as children. But we will have an opportunity to address those later on in the afternoon.

I see my colleague rising. I ask unanimous consent to be able to proceed for another 15 minutes.

Mr. SIMPSON. I think that would be all right.

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

Mr. KENNEDY. Mr. President, there were two other items. We have tried to

move this process along. I had hoped that we would be able to go back and forth, we would have one from one side, one from the other, and be able to intersperse my own amendments in with others. But as often happens around here, our colleagues are committed to important hearings over the course of the morning, so I will just finalize the last two amendments that I have. And then we will have an opportunity to address those in the postlunch period. That will conclude the debate on that.

Mr. President, I ask the current amendment be temporarily set aside. I will send——

Mr. SIMPSON. Mr. President, may I just enter this unanimous-consent request, to correct the withdrawal moments ago?

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Let me ask unanimous consent the pending amendment be set aside temporarily, and ask unanimous consent amendments 3853 and 3854 be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes en bloc amendments numbered 3853 and 3854.

The amendments are as follows:

AMENDMENT NO. 3853

Amend section 112(a)(1)(A) to read as follows:

(A)(i) Subject to clauses (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

Section 112(f) is amended to read as follows:

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—(A) If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project except as provided in subparagraph (B).

AMENDMENT NO. 3854

(Purpose: To modify bill section 112 (relating to pilot projects on systems to verify eligibility for employment in the U.S. and to verify immigration status for purposes of eligibility for public assistance or certain other government benefits) to define ''regional project'' to mean a project conducted in an area which includes more than a single locality but which is smaller than an entire State)

Sec. 112(a) is amended on page 31, after line 18, by adding the following new subsection:

''(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term ''regional project'' means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.''.

AMENDMENT NO. 3829

(Purpose: To allocate a number of investigators to investigate complaints relating to labor certifications)

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the pending amendment be temporarily set aside and it be in order to consider my amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3829.

Mr. KENNEDY. 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:

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

Mr. KENNEDY. Mr. President, under my amendment, up to 150 of the 350 Department of Labor wage and hour investigators authorized in the bill will be assigned the task of ensuring that employers seeking immigrant help do so according to our laws.

This amendment simply takes the same enforcement authority that is available to the Labor Department in the temporary worker program and makes it available to the permanent worker program. It does not create anything new. Enforcement activities covered under my amendment include the investigations of cases where there is a reasonable cause to believe the employer has made a misrepresentation of a material fact on a labor certification application. These enforcement activities are vital to reduce the number of immigrant and nonimmigrant victims of illegal immigration practices.

There is no better example of the need for better DOL enforcement than in the recruitment area. For example, employers currently are required to recruit U.S. workers first, bringing in permanent immigrants, but the recruitment process result is the hire of a U.S. worker only 0.2 of the time. A recently released report of the Department of Labor's inspector general shows recruitment in the permanent employment program is a sham.

Another example, the IG reports that during one 6-month period, 28,000 U.S. applicants were referred on 10,000 job orders and only 5 were hired.

I have other amendments to address these problems. At the minimum, what we should do is increase our capacity to enforce our current law.

That is it basically. It is a pretty straightforward issue. We discussed this issue in general terms during the course of the amendment debate.

Mr. President, I ask it be in order to temporarily set aside the existing amendment.

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

AMENDMENT NO. 3816

(Purpose: To enable employers to determine work eligibility of prospective employees without fear of being sued)

Mr. KENNEDY. Mr. President, I send an 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 3816.

The amendment is as follows:

On page 37 of the matter proposed to be inserted, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or

other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine,

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

Mr. KENNEDY. Mr. President, this proposal goes to the heart of the dilemma that employers feel they are facing in the hiring of employees, many of whom speak with a different tongue, maybe have a skin color that is different from others. Many employers feel they are caught between a rock and a hard place. If they are too vigilant about ensuring they do not hire illegal aliens, they get charged with discrimination. If they are not vigilant enough, they get socked with employer sanctions.

This amendment eliminates that dilemma by amending both the employer sanctions and the document abuse provisions. For the first time, there is now explicit language guaranteeing that if the employers follow a few simple rules, they cannot be held liable under either the employer sanctions provisions or the document abuse provisions.

Here are the simple rules: As long as an applicant produces a document from the accepted list of documents—that will be the reduced list, the six that will be as a result of this bill —and the document appears authentic, the employer cannot ask for additional documents to prove employment eligibility.

If the employer follows these simple rules, my amendment contains explicit language ensuring that the employer is off the hook for employer sanctions on discrimination. If the applicant provides one of the six documents, and it is authentic or looks to be authentic and that person is hired, then effectively this provision will be a good-faith response to any charge that there was any intentional kind of discrimination against that individual.

The document abuse provision now states if the employer follows these rules, the Justice Department ''shall not bring an action alleging a violation of this section.'' These are entirely new provisions. Everybody agrees there is a serious problem against foreign-looking and foreign-sounding American citizens and legal immigrants. Everybody agrees also, and studies have confirmed, that employer sanctions have been used to discriminate.

The most widely utilized procedure is when employers see or understand that a Puerto Rican is applying and they ask for the green card. They ask for the green card, the Puerto Rican does not have a green card because he or she is a U.S. citizen, and, therefore, they discriminate against those individuals.

What this would say is, if the individual provided any of the six, then that effectively ensures that the employer will not be subject to the charge of discrimination. It basically resolves, I think, in a very important way, the employer and the applicant's interest.

It makes no sense to enact a provision that everyone knows can lead to possible problems of discrimination. The problems are document fraud and the pressure created by the employers by the employer sanction provisions. We already addressed the document fraud problem elsewhere in the bill. We are reducing the number of applicable documents from 29 to 6, and we are making it harder for criminals to manufacture the phony document.

This amendment eliminates the pressure on employers created by employer sanctions provisions. It also provides protections for the applicants. I think it is a preferable way of dealing with this particular issue. We had discussion on this in the committee and we did not accept these provisions, but it does seem to me that they meet the challenge of protecting us against discrimination and, also, against the employer being subject to employer sanctions.

Those are the principal items. As I said, we have had a good opportunity. The members of the Judiciary Committee are familiar with these measures. We have been on the legislation for a few days. These measures are complex, they are difficult, but they are enormously important because they reach the issues of discrimination. In the last instance, they reach the whole question about the assurance that we are going to give adequate notice for Americans when there are job openings so they can be protected, their interests can be protected, and we can ensure that when there are openings for American workers and they are qualified, that they are going to be able to gain the employment and there is not going to be a circuitous way to effectively undermine the interests of workers.

What we have found is that, in so many instances, when there is a hiring of a foreign worker the salaries go down and other benefits go down for that worker, so the American worker, first of all, does not get the job. And, then, if the foreign worker gets paid less, which means that an American company on the one hand is competing with this company and the second company has an advantage because they are paying their foreign workers less, and therefore they have a competitive advantage, the American workers at the second company lose their jobs, too.

So we want to try, to the extent we can, to make sure the current law is being enforced. When we come back to the issues of legal immigration, we will have an opportunity to address some of those items, which I think are very, very high priority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have just 5 minutes remaining. We will, of course, return to these issues. I appreciate the cooperation of my friend from Massachusetts.

The first amendment at the desk—I do not recall the number, but the one on enforcement of labor conditions—is similar to the one my colleague offered at a subcommittee markup.

It concerned me then because of the broad grant of power that it makes to the Secretary of Labor to bring employers before a tribunal, demand various kinds of information and assess substantial penalties, and I remain very concerned about the same problems in this amendment.

He has argued that it provides investigative authority to the Department

of Labor in H–1B nonimmigrant cases, indicating this simply provides similar investigative authority to the Department of Labor as in labor certification cases, but in this amendment, the DOL can initiate its own investigations. It is given authority under section 556 of title V which it does not have in H–1B cases. There is an array of penalties and remedies that is greater than that in 212. I certainly think it would not be appropriate, and I would speak against it.

Quickly, with regard to the amendment dealing with the ''intent standard,'' I oppose that amendment. I have heard many more horror stories from employers who, when trying in absolute good faith to avoid hiring illegal aliens, have for one reason or another required more documents than the law requires or the wrong documents or fail to honor documents that appear to be genuine.

Here is a common scenario. We often hear scenarios of the aggrieved. Here is one.

A worker initially submits an INS document showing time-limited work authorization. At a later verification, however, the same employee produces documents with no time limitation—for example, a Social Security card—to show work authorization and a driver's license to show identity, both of which the employer knows are widely available in counterfeit form. What is the employer supposed to do?

Under current law, if the employer asks for an INS work authorization, he or she can be fined, for a first offense, up to $2,000 per individual. Yet, if the employer continues to employ the individual, he or she will be taking the chance of unlawfully hiring an illegal alien. Remember that compliance with the law requires an employer to act in good faith. Would there be good faith under such suspicious circumstances?

Furthermore, in hiring the individual, the employer would be facing the possibility of investing considerable time and resources, including training, in an individual whom the INS might soon force the employer to fire. There is also the loss of the work opportunity for the legal U.S. worker, people we speak of here.

In another example, a college recruiter cannot ask a job applicant, ''Do you have work authorization for the next year?'' That is discrimination because it would discriminate against asylees or refugees with time-limited work authorization. A recruiter may only ask, ''Are you permitted to work full-time?''

Employers cannot even ask an employee what his or her immigration status is. An employer may only ask, ''Are you any of the following? But don't tell me which.''

I oppose any kind of employment discrimination, always have throughout the whole course of years. Employers who intentionally discriminate in hiring or discharging are breaking the law. Scurrilous. But I do not believe it fair to fine the employers who are trying in good faith to follow the law.

Under this amendment, law-abiding employers would continue to be threatened with penalties. The amendment says an employer may not ask for different documents, even when the employer has constructive knowledge that the applicant's documents are likely to be false; must reverify an employee if their time-limited work authorization expires, and must accept documents provided; and will be fined for employer sanctions or unfair discrimination unless he or she asks for any specific documents from the alien. This is the same as current law, and I think this is unacceptable.

We will review and discuss it further. I will have further comments. But I believe, under the previous order, that we will now proceed to regular order with the direction of the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m. today.

Thereupon, at 12:44 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I ask unanimous consent that the previously scheduled vote now occur at 2:45 today under the earlier conditions, and time between now and then be equally divided.

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

Mrs. HUTCHISON. Thank you, 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. 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, it had been our intention to start voting at 2:15, but at least one of our colleagues—maybe more—is involved in heavy, heavy traffic and trying to reach the Capitol in time for the votes. We have agreed to set aside those votes. What we are trying to do now, to accommodate our colleagues who cannot reach the Capitol now, is take up a couple of more amendments and have those votes along with the other votes that we have already agreed to.

I think Senator ABRAHAM on our side has an amendment, and we will ask him to come to the floor and present that amendment. Maybe Senator SIMON on the other side will have an amendment.

REPEAL OF THE GAS TAX

Mr. DOLE. Mr. President, let me also indicate something that it is not a part of this bill. It is still our intention to work out some procedure where we can take up repeal of the 4.3-cent gas tax. That is a matter of about $4.8 billion per year. It is our intention to repeal it until the end of the year and work on a permanent repeal during the budget process.

We believe, with the skyrocketing prices of gasoline, jet fuel, and other fuels, that the most certain way to give consumers relief is to repeal the gas tax. That was part of the 1993 $265 billion tax increase President Clinton proposed, which did not receive a single Republican vote in the House or Senate. A permanent repeal of the gas tax is about $30 billion.

So what we hope to propose, and hopefully on a bipartisan basis, at the appropriate time, is to go ahead and repeal the gas tax for the remainder of this year and try to get this done before the Memorial Day recess and deal with permanent repeal during the budget process. Of course, we would have to find offsets and pay for the repeal. It seems to me that we should do that as quickly as we can before the summer driving season starts in earnest.

Mr. KENNEDY. Mr. President, I know the majority leader wants to get on with the measures. We have been in touch with Senator SIMON and others. I understand Senator SIMON is coming to the floor, and others. I will just mention that, just as the leader wants to get on to the issues in terms of the gas tax, many of us would still like to get on with the issues of the minimum wage increase. That, I think, is something we are all interested in. We are all interested in different matters, and that has been outstanding for some period of time.

As I have indicated earlier, I hope that after we finish all of these amendments, while it is open for amendment, we would at least have the opportunity to offer it under the underlying bill. I know that the majority leader has not looked kindly on that in the past. But I wanted to at least make sure that we all understood at least what we were going to attempt to do.

Mr. DOLE. Mr. President, let me indicate to the Senator from Massachusetts that we have discussed not only minimum wage, but maybe even coupling these two items, joining the two, repeal of the gas tax and maybe the minimum wage, some increase. We talked about a lot of different options and we have not reached a decision. I can assure the Senator that he will be one of the first to know once we have reached a resolution.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

THE GAS TAX

Mr. BREAUX. Mr. President, I will make a quick comment regarding the comments that the leader made on a repeal of the so-called gas tax of 1993, the 4.3 cents.

Well, I think that if you look back in history, when we passed that 4.3 cents, after it was passed, the price of gas at the pump was actually lower than before we passed the tax. It is something called supply and demand, which I had thought the folks on this side of the aisle were particularly enthusiastic about. It is very clear that there are market forces at work here. Repealing the Federal 4.3 cent tax on gasoline of 1993 is certainly no guarantee that that is going to mean a 4.3 cent lower price at the pump for the citizens of this country, unless someone is going to start mandating to private industry what the price of fuel is going to be that they sell.

I point out, if we remember history, last year at this time, between the months of April and May, the price of gas rose about 6 cents a gallon because of greater use and higher crude oil prices in the world. During the middle of the summer and toward the latter summer, gas prices started coming down because of supply and demand. At the end of the year, in December, the price of gas in the country averaged about $1.16 a gallon. All of last year, in 1995, the price of gas at the pump for the whole year averaged the lowest it had been since we started recording the price of gasoline in real terms in this country—lower in real terms than it was per gallon in 1920.

All of that, I suggest, has a great deal more to do with the price of crude oil in the world. The fact that we had about a 6- to 8-percent increase in heating oil production because of a colder winter, and also because of the fact that we are now driving faster because of actions of this Congress, when we increased the miles per hour people could drive, the speed limit, up to the higher levels that we now see throughout the country.

So I just say that if anybody can guarantee that any time we reduce the gas tax it means a lower price at the pump, I think we would be willing to look at it. I do not think history proves that. I think we ought to know where we are going before we start off in what I think is a political direction.

Mr. DOLE. 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. SIMON. 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 the consideration of the bill.

Mr. SIMON. Mr. President, I ask unanimous consent that the present amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3809 TO AMENDMENT NO. 3743

(Purpose: To adjust the definition of public charge)

Mr. SIMON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 3809 to amendment No. 3743.

Mr. SIMON. 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:

In Section 202(a), at page 190, strike line 16 and all that follows through line 25 and insert the following:

''(v) Any State general cash assistance program.

''(vi) Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.''.

Mr. SIMON. Mr. President, my amendment conforms the Senate amendment to a similar provision in the House amendment in terms of being eligible for deportation if you are here illegally and you use Federal programs of assistance.

Under the Senate bill, an immigrant receiving public assistance for 12 months within his first year in the United States may be deported as a public charge. That would include, for example, higher education assistance. The Presiding Officer, the Senator from Indiana, is on the Labor and Human Resources Committee. If a legal resident came in and got job training, under this amendment, unless we conform it to the House amendment, that would make you subject to deportation. If one of your children got into Head Start, that would do it.

My amendment would make this bill precisely like the House bill and limit the assistance to the basis for deportation to AFDC, SSI, and, frankly, SSI is the program that is being abused. As to the other welfare programs, legal immigrants to our country use these programs less than native-born Americans. But my amendment would limit the AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance.

I think it makes sense. I cannot imagine any reason for opposition. But I see my friend from Wyoming is not on the floor right now. I am not sure what his disposition may be on this amendment. But I would be happy to answer any questions that my colleagues have.

Mr. President, if no one else seeks the floor, I ask to set aside my amendment so that I may offer a second amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3810 TO AMENDMENT NO. 3743

(Purpose: To exempt from deeming requirements immigrants who are disabled after entering the United States)

Mr. SIMON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 3810 to amendment No. 3743.

Mr. SIMON. 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:

In section 204, at page 201, after line 4, insert the following subparagraph (4):

(4) ALIENS DISABLED AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence, and who since the date of such lawful admission, has become blind or disabled, as those terms are defined in the Social Security Act, 42 U.S.C. 1382j(f).

Mr. SIMON. Mr. President, I see my colleague from California, who has greater concern in these areas than any other, for obvious reasons, because of the huge impact on California.

The PRESIDING OFFICER. If the Chair could interrupt the Senator for a moment, the allocated time under the previous unanimous-consent agreement has expired on the Democrat side of the aisle. Time could be yielded from the Republican side of the aisle for the Senator from Illinois to continue.

Mr. SIMON. Mr. President, I confess some lack of understanding of precisely where we are in terms of the parliamentary situation.

The PRESIDING OFFICER. The Senate is operating under a unanimous-consent agreement which provided time equally between the two sides to expire at 2:45. The time allocated to the Democrat side of the aisle has been utilized.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I will be happy on behalf of our side to yield 2 minutes to the Senator from Illinois if that will be helpful.

Mr. SIMON. I thank the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. SIMON. My second amendment simply says—and I will just read it:

The requirements of subsection (a)—

That is deportation.—

Shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence and who since the date of such lawful admission has become blind or disabled, as those terms are defined in the Social Security Act.

This amendment, I would add, is supported by State and local governments.

I think there is consensus that while you may want to deport people who are taking advantage of welfare generally, someone who has become totally disabled is in a very different kind of situation.

This exempts them from deeming, not deportation.

Again, our colleague from Wyoming is not here, so I would ask unanimous consent that it also be set aside while we proceed to vote on the other amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is set aside. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, are we under a time limitation now prior to 2:45 or can we use our own time?

The PRESIDING OFFICER. There are 2½ minutes remaining under the previous time agreement controlled by the majority.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3760

Mr. DODD. Mr. President, I wonder if I might speak in opposition to the Graham amendment for 1 minute while we are waiting.

The PRESIDING OFFICER. Is there objection? The Senator is recognized to speak for 1 minute.

Mr. DODD. Mr. President, I thank my colleagues.

I just did not realize the language of this amendment was coming up. I say to my colleagues here—and I suspect this may carry fairly overwhelmingly—I hope people understand this applies to illegal aliens, not legal aliens. So you illegally arrive anywhere in the United States from Cuba. You are given a status we do not give anywhere else in the world. You arrive from the People's Republic of China. You do not get this status. You arrive from North Korea. You do not get this status. You arrive from Vietnam, still a Communist country. You do not get this status.

So here we are taking one fact situation, no matter how meritorious people may argue, and applying a totally different standard here for one group of people and not to others. If you come to this country from the People's Republic of China, you have lived under an oppressive government, and we are making a case here that if you come out of Cuba, even as an illegal, that you get automatic status here. Why do we not apply that to billions of other people who live under oppressive regimes?

I would say as well, in 30 additional seconds, if I may, Mr. President.

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

Mr. DODD. Mr. President, I would say to my colleagues, the people of Florida, too, I might point out, have their economic pressures as well. Frankly, having people just show up and all of a sudden given legal status automatically by arriving, I think is creating incredible pressures there. And if we are going to do it there, then I would suggest we go to another place.

I urge that this amendment be rejected, come back with an amendment that covers people who come from all Communist governments, not just this one. If we are truly committed to that, then people all over this globe who live under that kind of system ought to be given the same status.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the vote occurs on amendment No. 3760, offered by the Senator from Florida [Mr. GRAHAM]. The vote occurs on the conditional repeal of the Cuban Adjustment Act, on a democratically elected government in Cuba being in power. The yeas and nays have been ordered.

Mr. GRAHAM. Mr. President, under the unanimous consent, was there not an opportunity for a minute to present the amendment prior to the vote?

The PRESIDING OFFICER. It was the understanding of the Chair that that time was subsumed within the additional 30 minutes allocated for debate. Without a unanimous-consent request and agreement——

Mr. GRAHAM. I would ask unanimous consent for 1 minute on the amendment prior to the vote.

Mr. SIMPSON. Mr. President, I think it would be appropriate to each take 1 minute, and I would like to do that.

The PRESIDING OFFICER. Is there objection? Without objection, the time will be equally divided, 1 minute each, between the majority and minority.

Mr. GRAHAM. Mr. President, I urge my colleagues to listen to this because there have been some myths and misstatements with regard to the Cuban Democracy Act. The Cuban Democracy Act, which has been the law of this land since November 2, 1966, explicitly states that it only applies to aliens who have been inspected and admitted or paroled into the United States. You do not get the benefit of the Cuban Adjustment Act unless you are here under one of those legal status conditions, have been here for a year, request the Attorney General to exercise her discretionary authority, and she elects to do so.

That is what the current law is. That is the law which I believe should continue in effect until there is a certification that a democratic government is now in control of Cuba. The law was passed for both humanitarian and pragmatic reasons, to provide a means of expeditious adjustment of status of the thousands of persons who are coming from a Communist regime, not halfway around the world but 90 miles off of our shore. The simple reason that was relevant in 1966 is applicable in 1996, and therefore the law should be retained until democracy returns to Cuba.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it was never referred to as the Cuban Democracy Act. There is no such provision. It was passed to allow the adjustment of hundreds of thousands of Cubans fleeing Castro's communism. They were welcomed with open arms. We have done that. They were given parole. They needed a means to adjust.

You can come here legally and violate your tourist visa, stay for a year, and you get a green card. You can come here on a boat illegally and after 1 year get a green card. We do not do that with anyone else in the world, and we are trying to discourage irregular patterns of immigration by Cubans. We expect them to apply at our interest section in Havana.

We do not need it. It is a remnant of the past. We have provided for the Cubans. Please hear this. We have provided in this measure for the Cubans coming under the United States-Cuba Immigration Agreement that was entered into between President Clinton and the Cuban Government. We should repeal it. It discriminates in favor of Cubans to the detriment of all other nationalities.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment, No. 3760, offered by Senator GRAHAM of Florida. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 62, nays 37, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—62

Abraham	Glenn	Mack
Baucus	Gorton	McCain
Bennett	Graham	McConnell
Biden	Gramm	Mikulski
Bond	Gregg	Murkowski
Bradley	Hatch	Nickles
Breaux	Heflin	Nunn
Bryan	Helms	Pressler
Burns	Hollings	Pryor
Cohen	Hutchison	Reid
Conrad	Inhofe	Robb
Coverdell	Kempthorne	Rockefeller
Craig	Kerrey	Santorum
D'Amato	Kerry	Sarbanes
DeWine	Kohl	Smith
Dole	Kyl	Snowe
Domenici	Lautenberg	Specter
Dorgan	Leahy	Stevens
Faircloth	Lieberman	Thomas
Ford	Lott	Warner
Frist	Lugar	

NAYS—37

Akaka	Exon	Moseley-Braun
Ashcroft	Feingold	Moynihan
Bingaman	Feinstein	Murray
Boxer	Grams	Pell
Brown	Grassley	Roth
Bumpers	Harkin	Shelby
Byrd	Hatfield	Simon
Campbell	Inouye	Simpson
Chafee	Jeffords	Thurmond
Coats	Johnston	Wellstone
Cochran	Kassebaum	Wyden
Daschle	Kennedy	
Dodd	Levin	

NOT VOTING—1

Thompson

So the amendment (No. 3760) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I believe under the previous order we now go to the next amendment with a 1 minute explanation on each side. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3803

Mr. GRAHAM. Mr. President, the second amendment relates to the issue of deeming, that is, counting the income of the sponsor to that of the alien. Under the current law there are three categories in which this is done: SSI, food stamps, and aid to families with dependent children. What is significant is that under the current law, each instance of deeming is specifically listed. Under the legislation that is before us, there is a vague standard which says, ''Any program which is in whole or in part funded with Federal funds shall be deemed.''

There are literally hundreds, maybe thousands, of those types of programs. This amendment speaks to the principle, let us continue the policy of specifically listing all of those programs that we intend to be deemed. We have suggested 16 programs to be deemed. It is open for amendment if others wish to offer additional programs to be deemed. But let us not leave this matter open-ended and as obscure as it is in the legislation that is before us.

Mr. SIMPSON. Mr. President, the question here is, who should pay for assistance to a new immigrant? Should the sponsor who brought the person in the United States and made the promise, the affidavit of support, or should the taxpayer? The bill before the Senate requires that all means tested—I am talking only about means-tested welfare programs—include the income of the sponsor, the person who promised their relative would never use public assistance, when determining whether a new arrival is eligible for assistance.

That is as simple as it can be. The only exceptions are for soup kitchens, school lunch and WIC. That is it. This truth in application, that is it. The U.S. Government expects sponsors to keep their promises to care for their immigrant relatives.

The Graham amendment would gut the provisions of this bill, would limit sponsored-alien deeming to only SSI, AFDC, food stamps, and public housing programs, that being almost unchanged from current law. It would exempt Medicaid, job training, legal services, a wide range of other multibillion-dollar noncash welfare programs from welfare provisions in the bill. I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3803. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—36

Akaka	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Heflin	Murray
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Chafee	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Feinstein	Lieberman	Wyden

NAYS—63

Abraham	Faircloth	Lott
Ashcroft	Feingold	Lugar
Baucus	Frist	Mack
Bennett	Gorton	McCain
Biden	Gramm	McConnell
Bond	Grams	Murkowski
Bradley	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Harkin	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Robb
Coats	Helms	Roth
Cochran	Hutchison	Santorum
Cohen	Inhofe	Shelby
Coverdell	Jeffords	Simpson
Craig	Johnston	Smith
D'Amato	Kassebaum	Snowe
DeWine	Kempthorne	Stevens
Dole	Kohl	Thomas
Domenici	Kyl	Thurmond
Exon	Levin	Warner

NOT VOTING—1

Thompson

The amendment (No. 3803) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that in accordance with the provisions of rule XXII the following Senators be considered as having yielded time under their control as follows: Senator THURMOND and Senator COHEN yield 60 minutes each to Senator SIMPSON; Senator NICKLES and Senator COCHRAN yield 60 minutes each to Senator DOLE; Senator AKAKA and Senator PELL yield 60 minutes each to Senator KENNEDY; Senator FORD and Senator ROCKEFELLER yield 60 minutes each to Senator DASCHLE.

The PRESIDING OFFICER. The Senators have that right.

AMENDMENT NO. 3871, AS MODIFIED

Mr. SIMPSON. Mr. President, I ask unanimous consent to make a modification to correct a drafting error in amendment 3871. That amendment was offered and accepted by the Senate this morning. I ask unanimous consent to modify it as indicated in the copy I am sending to the desk. I have reviewed that with my colleague.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 3871), as modified, is as follows:

Section 204(a) is amended to read as follows:

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, except as provided in section 204(f), be deemed to be the income and resources of such alien.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution I now send to the desk on behalf of Senator D'AMATO relative to the extradition of the murderer of Leon Klinghoffer.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not want to and will not object, and hopefully we will move right to that. I wanted to ask, just for the sake of the Senate, if we could take a moment on what the schedule is.

Mr. SIMPSON. Mr. President, I further ask unanimous consent that there be 10 minutes for debate to be equally divided in the usual form.

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

Mr. SIMPSON. I further ask that the vote occur on adoption of the resolution immediately following the use or yielding back of time and that no amendments or motions be in order.

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

Mr. SIMPSON. And before that procedure, let me just review matters. At the conclusion of this proceeding, Senator KENNEDY will go to the amendments which were discussed this morning, the deeming-parity amendment, which are two en bloc, and the Kennedy Medicaid amendment. There will be two rollcall votes obviously. There will be the vote on the Klinghoffer matter apparently, and then we will go to further debate, if any, on the two Kennedy amendments. But those will be coming shortly, I would believe. I think that debate is pretty well concluded.

Then we will go to the debate on the driver's license issue. This is not about verification. This is about driver's licenses. The language of the committee amendment and the amendment at the

desk is much different. In this amendment we have relieved the burdens of some national standard card; we have relieved the burdens of the unfunded mandate, and that debate will take place. I urge all who wish to engage in that to be prepared for that scenario. I yield to my friend and colleague.

Mr. KENNEDY. Could I ask for the yeas and nays on amendments 3820 and 3823.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, what I would like to do since, hopefully, those will be the two measures, is maybe just take 2 minutes now and explain them just briefly so that at the end we will vote on the D'Amato resolution and then hopefully vote on these two amendments.

Do I need consent to be able to proceed for 3 minutes? Do I need consent for that now?

Mr. SIMPSON. Mr. President, just a moment.

Mr. KENNEDY. I withdraw my request.

DETENTION AND EXTRADITION OF MOHAMMED ABBAS

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 253) urging the detention and extradition to the United States by the appropriate foreign government of Mr. Mohammed Abbas for the murder of Leon Klinghoffer.

The Senate proceeded to consider the resolution.

Mr. D'AMATO. Mr. President, this resolution is very straightforward and it is long overdue. It calls on the Attorney General of the United States to seek the detention and extradition to the United States of Mohammed Abbas, otherwise known as Abu Abbas.

Abu Abbas was the leader and is the leader of the Palestinian Liberation Front. In October 1985, under his leadership and his plan—and let me tell you what the Italian courts found. They found that the evidence was ''multiple, unequivocal and overwhelming'' that Abbas trained, financed, and chose the targets, as well as the escape, in seizing the *Achille Lauro*. It was his men who killed Leon Klinghoffer and threw his body overboard on October 7, 1985.

When this question was raised to Mr. Abbas just recently, he said that he was sorry. He said it was ''a mistake.'' And then he went on to say that Mr. Klinghoffer, an American citizen from New York, was killed because ''he had started to incite the passengers against [the kidnappers].'' Imagine that, a 70-year-old man, 70 years old, in a wheelchair, totally unarmed, and that is his excuse. And he says it was ''a mistake.''

We owe it to every American citizen, not just to Leon Klinghoffer and to his family, but to every American citizen to say to those cowards, to those murderers who would target U.S. citizens, that they cannot escape justice, that they will be tracked down, that we will seek their extradition, that we will seek their detention, and their eventually being brought to trial for their acts, in this case a cowardly act of killing a man in a wheelchair, a U.S. citizen.

Let me tell you again what the Italian courts found when they tried Abu Abbas in absentia. They said that the evidence was ''multiple, unequivocal, and overwhelming.''

I sent a letter to the Justice Department. I ask unanimous consent it be printed in the RECORD.

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

(See exhibit 1.)

Mr. D'AMATO. I sent a letter to the Attorney General in which I called out for the murderer of Leon Klinghoffer to be extradited, Abu Abbas; that Leon Klinghoffer is entitled to justice, as every American is, and it has been denied, and, indeed, the Attorney General has the duty and obligation to see to it that we look to extradite Abu Abbas, Leon Klinghoffer's murderer.

Let me conclude by saying this. This is a very simple and straightforward case. If we fail to seek justice in this case, then what kind of message do we send to other terrorists who would look to target U.S. interests, U.S. citizens? Are we saying you can get away with this and you can simply offer an apology 10 years from now and say it was a mistake? Is that what we are going to be saying?

I think it is about time the Justice Department of the United States began to live up to its name and seek justice in the case of Leon Klinghoffer.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 26, 1996.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: I am writing to urge you in the strongest terms to seek the immediate extradition of Abu Abbas, the man convicted in an Italian court, in 1986, for the murder of Leon Klinghoffer during the hijacking of the Achille Lauro cruise ship in October 1985. It is absolutely essential that the United States obtain custody of Abbas so that he can stand trial for this brutal murder of a wheelchair-bound innocent American whose body was callously dumped overboard following the murder.

Just this week, Abbas, while attending the meeting in Gaza of the Palestine National Council stated that the killing was ''a mistake'' and that Mr. Klinghoffer was killed because he ''had started to incite the passengers against [the kidnappers].'' This pathetic excuse only reinforces our need to gain his extradition. The fact that he remains free is an insult to the memory of Leon Klinghoffer.

Abbas was convicted by a Genoan Court and sentenced to life in prison, in absentia, for ''kidnapping for terrorist ends that caused the killing of a person.'' The evidence against Abbas, according to the Italian magistrate, was ''multiple, unequivocal, and overwhelming.'' His actions in training and financing for this operation, and in choosing the target, as well as planning the escape, in the eyes of the magistrate, made Abbas guilty of the murder.

Mr. Klinghoffer's murder cries out for justice. For far too long, Abbas has cheated justice. Now it is our duty to locate, apprehend, and return him for trial in this country. Again, I urge you in the strongest of terms, to seek the immediate extradition of Abu Abbas.

Sincerely,

ALFONSE M. D'AMATO,
United States Senator.

Mr. D'AMATO. Mr. President, let me say I have no need for any further time. I am prepared to yield the remainder of my time so we can vote.

May I inquire of the President whether or not I have to ask for the yeas and nays or whether or not that has been agreed to already?

The PRESIDING OFFICER. The yeas and nays have not yet been requested.

Mr. D'AMATO. Mr. President, I 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.

Mr. D'AMATO. Mr. President, I am prepared to yield the remainder of my time.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the resolution.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. JEFFORDS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Thompson

So the resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 253

Whereas, Mohammed Abbas, alias Abu Abbas, was convicted by a Genoan Court in June 1986 and sentenced to life in prison, in absentia, for ''kidnaping for terrorist ends that caused the killing of a person'' for his role in the death of an American citizen, Leon Klinghoffer;

Whereas, a report from the Italian magistrate who tried the case against Abbas stated that the evidence was ''multiple, unequivocal, and overwhelming'' and that his actions in training and financing for this operation, and in choosing the target, as well as in planning the escape, made Abbas guilty of the murder;

Whereas, a warrant Abbas' arrest was unsealed in October 1985 charging him with hijacking, and a bounty of $250,000 was offered for his arrest;

Whereas, the Justice Department felt that it did not have the evidence to convict him, and citing the conviction, albeit in absentia by the Italian authorities, cancelled the warrant for his arrest in January 1988;

Whereas, at an April 1996 meeting of the Palestine National Council in Gaza, Abbas described the killing as ''a mistake'' and that Mr. Klinghoffer was killed because he ''had started to incite the passengers against [the kidnappers]'';

Now, Therefore, be it *Resolved,* That it is the sense of the Senate that the Attorney General should seek, from the appropriate foreign government, the detention and extradition to the United States of Mohammed Abbas (also known as Abu Abbas) for the murder of Leon Klinghoffer in October 1985 during the hijacking of the vessel *Achille Lauro.*

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, Senator HATFIELD would like to speak for, I believe, 7 minutes on his own hour with regard to any matter that he might address. Then we will try to do this procedure. We have two Senator KENNEDY amendments. I do not think there will be any extensive—there will be debate, 30 minutes, 40 minutes, with regard to those amendments. Then those two amendments will be considered and taken up back to back.

Then we will lay down and proceed to the amendment, which is already in the mix, with regard to birth certificates and driver's licenses. I cannot describe when that might come to a vote, but that will be the matter of business.

So I urge all who wish to be involved in that debate to please review the complete changed amendment. That is a very different procedure from what was passed out of the Judiciary Committee with regard to driver's licenses, birth certificates, the breeder document that causes the most concern.

So that is the agenda. Then, of course, the time is running, under the constraints after cloture. We will simply proceed. There are many amendments and no time for many persons to do anything but speak very briefly. Some are listed with no particular topic or subject. Some 20 are by one Senator. I hope that the breath of reality will enter the scene with regard to some of those.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

THE CONSTITUTIONAL LEGACY OF LINCOLN HIGH SCHOOL

Mr. HATFIELD. Mr. President, I want to give recognition to a very outstanding group of young people from my State of Oregon, who represent the Lincoln High School of Portland, OR.

Mr. President, as you know, during the bicentennial of the Constitution, there was a commission formed of which Chief Justice Burger of the Supreme Court was chair. I was privileged to serve on that commission. In part of that commission's proceedings, we decided to develop an ongoing project, bringing a focus to the Constitution of the United States amongst the high school students of our country. That started in 1987.

I want to say that that has been a program that I think has certainly been worthy of the investment the Federal Government has made sustaining that program over the years. I suppose you might call it boasting, but I do not really think so. I am merely making a recognition of an extraordinary accomplishment. One high school out of the State of Oregon has not only won the State championship each year of the 9 years of this program, it has finished in the top 10 contestants from high schools from every State in the Union here in Washington, except for 1 year. It had won the national championship 2 years, until last night when it won it for the third time—one high school.

I want to say that this is a high school that is in an urban setting, and it is a high school that draws students from many diverse and social economic backgrounds. The students who compete have varied academic backgrounds, and the team consists of sophomores, juniors, and seniors, and they work together as a team.

The competition these student participated in was rigorous and very meaningful. Students demonstrated their knowledge of the Constitution before simulated congressional committees made up of constitutional scholars, lawyers, journalists, and government leaders. The panel of judges tested the expertise of the classroom teams on a number of significant questions—questions such as, ''How did the values and principles embodied in the Constitution shape American institutions, and what are the roles of the citizens in an American democracy?''

Mr. President, these are questions I still contemplate and struggle with. There is something exciting about a room full of high school students excited themselves about the Constitution, and excited about the Nation's heritage.

Senator PELL and I had the privilege of being with this group from all over the country last night. The students have worked very hard for this honor, and there are a number of people who have helped them make this achievement a reality. Special recognition must go to Marilyn Cover, the State coordinator, and Dan James, the district coordinator for the We the People Program.

I must also recognize the teachers and volunteers who gave up their time to prepare the students. Dave Bailey and Gailen Norsworthy are both teachers at Lincoln High School and coaches for the constitutional team. Also, Chris Hardman and Chuck Sparks, who are attorneys from the local community who volunteered to prepare the students for the legal rigors of the competition. Also, I must single out the principal of Lincoln High School, Velma Johnson. She is proud of these students, and she has been extremely supportive of the We the People Program.

Mr. President, while it takes a number of outstanding individuals to achieve the winning record of Lincoln High School, one individual stands out as the catalyst and mentor for this stellar group of young scholars—Hal Hart. Hal Hart is an attorney by profession. He has a private law practice in Portland, but he takes time out of his busy practice to teach at Lincoln High School. For Hal, this is a labor of love and an opportunity to give back to the community. He teaches the students about the intricacies of the Constitution, and based on the school's record of success, he is obviously a master teacher.

I also want to individually commend the students by placing a list of the participants from all over this country in the RECORD.

I ask unanimous consent that the list be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the Record, as follows:

CLASS ROSTER FOR THE 1995–96 LINCOLN HIGH SCHOOL BICENTENNIAL CLASS ON THE UNITED STATES' CONSTITUTION AND BILL OF RIGHTS

Vasiliki Despina Ariston, age 15; Parents: Dino and Demetra Ariston.

Jereme Rain Axelrod, age 15; Parents: Marilyn Couch and David Axelrod.

Rebekah Rose Cook, age 16; Parents: Jim and Anne Cook.

Tawan Wyndelle Thomas Davis, age 16; Parents: Sylvia Anne Davis.

Amanda Hope Emmerson, age 16; Parents: Ron and Ann Emmerson.

Tiffany Ann Grosvenor, age 16; Parents: John and Jennifer Grosvenor.

William John Hawkins IV, age 17; Parents: Bill and Kit Hawkins.

Soren Anders Heitmann, age 17; Parents: Steve Heitmann and Natasha Kern.

Stacy Elizabeth Humes-Schultz, age 15; Parents: Kathryn Humes and Duane Schulz.

Marissa Tamar Isaak, age 15; Parents: Rabbi Daniel and Carol Isaak.

Heather Brooke Johnson, age 17; Parents: Tony and K.C. Johnson.

Katherine Mace Kasameyer, age 15; Parents: Kace and Jan Kasameyer.

Christopher Michael Knutson, age 18; Parents: Michael and Carol Knutson.

Jeanne Marie Layman, age 18; Parents: Charles and Debbie Layman.

Daniel Hart Lerner, age 17; Parents: Cheryl Tonkin and Glenn Lerner.

Casey James McMahon, age 18; Parents: Patty O'Connor and and Jack McMahon.

Lindsay Katrine Nesbit, age 17; Parents: Lee and Deborah Nesbit.

Gerald William Palmrose, age 16; Parents: David and Sonu Palmrose.

Mary Ruth Pursifull, age 19; Parents: Rajiam and Meidana Pursifull.

Catherine Clare Rockwood, age 16; Parents: Theresa Rockwood and David Rockwood.

Daniel Boss Rubin, age 15; Parents: Susie Boss.

Elizabeth (Liz) Leslie Rutzick, age 16.

Mark Richard Samco, age 16; Parents: Rick and Martha Samco.

Kathryn Denelle Stevens, age 15; Parents: Steve and Janet Stevens.

Simon Brendan Thomas, age 17; Parents: Susan Rosenthal and Bill Thomas.

Miles Mark Von Bergen, age 18; Parents: Paul and Jan Von Bergen.

Lauren Elizabeth Wiener, age 17; Parents: Julie Grandfield and Jon Wiener.

Farleigh Aiken Wolfe, age 17; Parents: Stephen and Jill Wolfe.

Mr. HATFIELD. I must also recognize the program that generates the enthusiasm of the Constitution in these students, the We the People * * * The Citizen and the Constitution features an intensive curriculum, which provides students with a fundamental understanding of the Constitution and the Bill of Rights and the principles and values they embody. The program is designed to promote an understanding of the rights and responsibilities of citizens of our constitutional democracy, and gathered around this particular focus have been more than 22 million students in this country who have participated in the program, at all levels, during the last 9 years—22 million. Developed and administered by the Los Angeles-based Center for Civic Education, the program is funded by the U.S. Department of Education.

In discussing the We the People Program, I want to pay special tribute to my good friend, Senator CLAIBORNE PELL of Rhode Island. Senator PELL's commitment to education is unparalleled in this institution. He is the father of the We the People Program, and he has been actively involved in its activities since its inception. Senator PELL has been a mentor to me and to all of us over the years on the issue of education, as well as other issues. The Senate is going to miss his intellect and pragmatic approach to governing. I want to also thank a gifted member of Senator PELL's staff, David Evans, for all of his hard work in conjunction with the We the People Program and his many years of faithful service.

Mr. President, Lincoln High School has built a dynasty in the We the People Program. This is a dynasty of success, but, most importantly, a dynasty of knowledge—knowledge that will enable them to understand our country's origins and foundations and knowledge that will help them to be better citizens.

Mr. President, I shout from the housetops, congratulations, Lincoln High School. You have made many people, myself included, very, very proud.

Mr. President, I ask unanimous consent to have a list of all the winners of the 1996 competition—the national winner at the top, Lincoln High School; second place, Amador Valley High School, Pleasanton, CA; third place, East High School, Denver, CO; and the following honorable mentions, regional awards, and unit awards—printed in the RECORD.

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

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION—LIST OF 1996 WINNERS

National winner: Lincoln High School, Portland, OR. Second place: Amador Valley High School, Pleasanton, CA. Third place: East High School, Denver, CO.

Honorable mention: Other Top Ten Finalists Team—Alphabetically by State)—Chamblee High School, Chamblee, GA; Maine South High School, Park Ridge, IL; Lawrence Central High School, Indianapolis, IN; St. Dominic Regional High School, Lewiston, ME; East Brunswick High School, East Brunswick, NJ; Half Hollow Hills High School, Dix Hills, NY; and McAllen Memorial High School, McAllen, TX.

Winners of Regional Awards: Best Non-Finalist Team from each Region—Western States: Boulder City High School, Boulder City, NV; Mountain/Plain States: Lincoln Southeast High School, Lincoln, NE; Central States: East Kentwood High School, Kentwood, MI; Southeastern States: Hillsboro Comprehensive High School, Nashville, TN; and Northeastern States: Hampton High School, Allison Park, PA.

Winners of Unit Awards: Best Non-Finalist Team for Expertise in each Unit of Competition—Unit 1 (*Foundations of Democracy*): Johnston High School, Johnston, IA; Unit 2 (*Creation of the Constitution*): Moriarty High School, Moriarty, NM; Unit 3 (*Constitution Shapes Institutions*): Hutchinson High School, Hutchinson, MN; Unit 4 (*Extension of Bill of Rights*): Heritage Christian High School, Milwaukee, WI; Unit 5 (*Protection of Rights*): Shades Valley Resource Learning Center, Birmingham, AL; and Unit 6 (*Role of Citizen*): Joplin High School, Joplin, MO.

Mr. PELL. Mr. President, I merely wanted to rise to express my gratitude to the Senator from Oregon [Mr. HATFIELD] for his kind words. Having worked with him for thirty years, I have great admiration and respect for the gentleman from Oregon. I have come to know and revere him as a man of courage, conscience, and conviction. It is an honor to be a recipient of the We The People award, it makes it doubly an honor to share it with my friend and colleague.

I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, let me go forward with the debate on the Kennedy proposals, so that we might press forward toward the dual votes within the shortest possible period of time. I will simply go to the root of the matter.

Mr. President, with regard to the Kennedy amendment, the American people believe strongly in the principle that immigrants to this country should be self-sufficient. We continue to emphasize this principle, as I said several times today. It has been part of U.S. immigration law since the beginning, and the beginning in this instance is 1882.

There is a continuing controversy on whether immigrants as a whole or illegal aliens as a whole pay more in taxes than they receive in welfare, noncash plus cash support. Or whether that is the case with public education and other Government services, there are experts, if you will, on both sides who say that they are a tremendous drain, and others say they are no drain at all. I have been, frankly, disenchanted by both sides in some respects, especially on the side that says bring everybody in you possibly can because it enriches our country regardless of the fact that some may not have any skills, some may not have any jobs, and without jobs there is poverty, and with poverty the environment suffers in so many ways. But that is another aspect of the debate.

I believe that, at least with respect to immigrant households—this is an important distinction; that means a household consisting of immigrant parents, plus their U.S. citizen children who are in this country because of the immigration of their parents—there is a considerable body of evidence that there is a net cost to taxpayers in that situation. George J. Borjas testified convincingly on this issue at a recent Judiciary Committee hearing.

Mr. President, an even more relevant question, however, may be whether any particular immigrant is a burden rather than immigrants as a whole. I respectfully remind my colleagues that an immigrant may be admitted to the United States only if the immigrant provides adequate assurance to the consular office, the consular officer, and the immigration inspector that he or she is ''not likely at any time to become a public charge.''

Similar provisions have been part of our law since the 19th century, and part of the law of some of the Thirteen Colonies even before independence. In effect, immigrants make a promise to the American people that they will not became a financial burden, period.

Mr. President, I believe there is a compelling Federal interest in enacting new rules on alien welfare eligibility and on the financial liability of

the U.S. sponsors of immigrants in order to increase the likelihood that aliens will be self-sufficient in accordance with the Nation's longstanding policy, and to reduce any additional incentive for illegal immigration provided by the availability of welfare and other taxpayer-funded benefits.

S. 1664 provides that if an alien within 5 years of entry does became a public charge, which the bill defines as someone receiving an aggregate of 12 months of welfare, he or she is deportable. It is even more important in this era that there be such a law since the welfare state has changed both the pattern of immigration and immigration—both the pattern of immigration and immigration—that existed earlier in our history because, before the great network of social systems, if an immigrant cannot succeed in the United States he or she often returned ''to the old country.'' This happens less often today because of the welfare safety net. Many back through the chain of history in my family returned ''to the old country'' because they could not make it here. That is not happening today because of the support systems within the United States.

The changes proposed by the bill clarify when the use of welfare will lead a person to deportability. These changes are likely to lead to less use of welfare by recent immigrants, or more deportation of immigrants who do become a burden upon the taxpayer. One of the ways immigrants are permitted to show that they are not likely to become a public charge is providing an ''affidavit of support'' by a sponsor, who is often the U.S. relative petitioning for their entry under an immigrant classification for family reunification.

You heard that debate when we spoke briefly of numbers and legal immigration. We talked of that. That is what those classifications, or preferences, for family reunification are.

Under current law, sponsors agree to provide support only for 3 years. That is current law. Furthermore, the agreement is not legally enforceable, because it has been ripped to shreds by various court decisions down through the years.

The bill's sponsor provisions are based on the view that the sponsor's promise to provide support, if the sponsored immigrant is in financial need, should be legally enforceable and should be in effect until the sponsor's alien (a) has worked for a reasonable period in this country paying taxes and making a positive economic contribution or (b) becomes a citizen, whichever occurs first.

That is the provision. The bill provides that the maximum period for the sponsor's liability is 40 ''Social Security quarters''—about 10 years—the period it takes any other citizen to qualify for benefits under Social Security retirement and certain Medicare programs.

The bill also provides that deeming of the sponsor's income and assets to the sponsored alien should be required in nearly all welfare programs—all—and for as long as the sponsor is legally liable for support, or for 5 years, a period in which an alien can be deported as a public charge, whichever is longer.

Remember, we are talking about means-tested programs. We are talking about all programs. Yet, amendments make distinctions, and those things have been addressed as we debated. But it is simply not unreasonable of the taxpayers of this country to expect recently arrived immigrants to depend on their sponsors for at least the first 5 years regardless of the specific terms in the affidavit of support signed by their sponsors.

It was only, I say to my colleagues, on the basis of the assurance of the immigrant and the sponsor that the immigrant would not at any time become a public charge that the immigrant was even allowed to come to our country, to come into the United States of America. It should be made clear to immigrants that the taxpayers of this country expect them to be able to make it in this country on their own.

I have heard that continually threaded through the debate—that they come here, they want to make it on their own. We are a great country for that; the most generous on the Earth. They do that, and they do it with the help of their sponsors.

Again, remember, if the sponsor is deceased, or bankrupt, or unable to provide any of the assistance or support, then, of course, the taxpayers step in in a very generous way to do that.

Mr. President, that concludes my remarks with regard to the amendments, unless Senator KENNEDY or others wish to address the issue anew.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Thank you very much, Mr. President.

Mr. President, I hope that at some time in the not-too-distant future we might be able to address the two amendments, 3820 and 3823, which I have offered. These amendments are quite different in one respect, but they are also similar in another respect in terms of reflecting what I consider to be the higher priorities of the American people, particularly as focused on children, expectant mothers, and also all veterans.

Let me describe very briefly, Mr. President, our first amendment that we will offer. That is what we call the ''deeming party'' amendments. These amendments ensure that legal immigrants are eligible for the same programs on the same terms as illegal immigrants. My amendment says that legal immigrants cannot be subject to the sponsor deeming public charge provisions in this bill for programs which illegals get automatically and for other programs such as Head Start and public health, with a minor exception for prenatal care. This is the same amendment which was passed in the House of Representatives immigration bill.

Effectively, Mr. President, this amendment tracks what was accepted in the House of Representatives. Why did the House of Representatives accept it? Because they understand, as we understand, that when you put in effect deeming that cuts down on the utilization of the program. That is why we have supported and I support the deeming in the SSI. That is the particular program where there has been the greatest utilization. You have the AFDC and food stamp programs. But the principal reason for deeming is to reduce the utilization of that program, and it is effective.

The House of Representatives has said, look, there are certain public health programs, for example, that we ought to permit the illegals to be able to use. Why? Because if they use those particular programs, this will mean that it is healthier for Americans. They do it not because they want to benefit the illegal children but because they want to protect American children.

What do I mean by that? I am talking about immunization programs. I am talking about emergency health programs—emergency Medicaid, where a child goes into the school, then ends up having a heavy cough, perhaps is denied any kind of attention in the school health clinic because he is illegal, although he should get it, and eventually goes down as an emergency student, stays in the classroom and goes down to the local county hospital and is admitted for TB, and in the meantime, while that child has not had any kind of attention, has exposed all the other American children to the possibility of tuberculosis.

That is true with regard to immunization programs. That is basically the type of issue we are trying to look at. It also includes the school lunch program, saying that if the children are going to be educated, we do not want to ask the teachers to try and separate out the illegal children in school lunch programs. That would be very complicated. It would turn our schoolteachers into really agents of INS. It would have the teachers going around and reviewing documents for each and every child to try and identify and then take those children out, separate them out.

It seems to me that we ought to understand the broader policy issue. The real problem in dealing with illegal immigration, as the Hesburgh commission found out 15 years ago and as the Jordan commission has restated, the jobs are the magnet that brings foreigners into our country illegally. Jobs is the magnet.

The real problem is, how are we going to deal with that? Senator SIMPSON has, to his credit, worked out an orderly kind of process by which we are going to reduce the number of breeder

documents and we are going back to the root causes for those breeder documents, and then we are going to test various kinds of programs in terms of what can be most effective in verifying that it is Americans who are getting jobs and not the illegals.

We are going to have votes on those particular measures. But I am going to stand with the Senator from Wyoming on those measures because they are a key element if we are serious about dealing with illegal immigration. Then there are provisions dealing with the border and Border Patrol and enhanced procedures. All of those, we believe, can be effective in terms of dealing with the job magnet that draws people here.

Our problem is not with the children. Our problem is not with the expectant mothers, the expectant mothers who are going to have children born here and will be Americans. In the current bill, we have said that the mother has to be here for 3 years, so we are not encouraging expectant mothers to come over here and take advantage of the program.

This particular amendment that I have offered says we will make the Senate bill consistent with what has been passed in the House of Representatives on those key elements that primarily affect children, expectant mothers, and are listed and are structured in order to protect community health and public health issues.

That is basically what we are attempting to do with this. This amendment is effectively the identical amendment in the House of Representatives. We want to make sure that we are going to say to legal immigrants—these are people, 76 percent of whom are relatives of American families. All have played by the rules. All of them have waited their turn to get in and be rejoined with their families, all who have been qualified and may have fallen on some hard and difficult times, and what we are going to say is in this very limited area which the Congress has made a decision and determination, we are making these policy determinations not to benefit the child but to benefit Americans.

Do we understand that? These proposals have been accepted in the House of Representatives, and I am urging that they be accepted here because they protect Americans. They should not follow the same deeming requirements as in other aspects of the bill. That is effectively what this proposal does and what it would achieve. I think it is warranted. I think it is justified. We have debated it in our Judiciary Committee, and I hope it will be accepted.

Mr. PELL. Mr. President, I rise today to speak on behalf of the Kennedy amendment to S. 1664. I support the Kennedy amendment because it would protect the multitudes of students who are eligible for Federal student aid under title IV of the Higher Education Act.

Under current law, only legal immigrants are eligible to receive Federal financial aid to attend college. However, provisions in the bill that stands before us today would require that for Federal programs where eligibility is based on financial need, the income and resources of the sponsor of a legal immigrant would be deemed to be the income of the immigrant. Simply put, the resources of an immigrant student would be artificially inflated, therefore, most legal immigrants would not qualify for Pell grants or student loans.

I have always sought to expand educational opportunities for the students of this country. To my mind, any person with the desire and talent should be afforded the opportunity for at least 2 and possible 4 years of education beyond high school. The students that have legally immigrated to this country should not be excluded from the vast opportunities that a higher education can provide them.

Half of the college students in this country rely on Federal grants or loans to help pay for college. Student aid more than pays for itself over time. A college graduate earns almost twice what a high school graduate earns—and pays taxes accordingly. Denying a postsecondary education to economically disadvantaged legal immigrants is profoundly unfair and economically shortsighted. Legal immigrants pay taxes and can serve in the military. Legal immigrants also contribute significantly to the national economy. For these reasons I encourage my colleagues to join me in support of the Kennedy amendment, therefore, eliminating the deeming requirements as they apply to Federal student aid programs.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Kennedy amendments 3820 and 3823 en bloc at the hour of 4:50 this evening, to be followed immediately by a vote on or in relation to the Kennedy amendment 3822.

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

Mr. SIMON. Reserving the right to object, will the Senator make it 4:53, so I can get 3 minutes in here?

Mr. SIMPSON. We have people apparently going to the White House. I will yield my time to the Senator. Take the 2. I was going to conclude. You may take that, and I will come at my friend with vigor at some later forum.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I will try to be more brief than the 3 minutes. I think so much of this makes sense. People who are here legally should get the same services as those who are here illegally.

What I particularly want to point out is the higher education provision really would devastate many campuses and the future of many young people. People who came here legally, whose children are going to American colleges and universities taking advantage of our programs in terms of loans and other programs, we ought to be encouraging that higher education rather than discouraging it. The Kennedy amendments, it seems to me, move in the right direction.

Finally, to protect pregnant women and children, I think that is kind of basic. So I strongly support the Kennedy amendments.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I have about 30 seconds. Let me just say we have already exempted school lunch and WIC in the managers' amendment which we passed yesterday.

This amendment combines several distinct exemptions to the ''deeming'' requirements in the bill. Everyone should understand what ''deeming'' does. Deeming requires sponsors to keep their promises.

Since 1882, our law has stated that no one may immigrate to this country if they are ''likely at any time to become a public charge.'' Many individuals—about half of those admitted in 1994—were only permitted to enter after someone else promised to support that newcomer. The sponsor guarantees that the sponsored immigrant will not require any public assistance.

Senator KENNEDY's amendment provides a number of exceptions to this ''deeming'' rule for:

First, emergency Medicaid; second, foster care; third, Headstart; and fourth, Pell grants and other federally funded assistance for higher education.

On the general issue of exemptions from deeming, I would stress that deeming only prevents a sponsored individual from accessing welfare if the sponsor has sufficient resources to disqualify the applicant. When a sponsor is not able to provide assistance, then the Government will provide it.

I am not certain that there should be any exemptions from deeming. Why should we permit individuals to access our generous social services, when they have sponsors who have promised to provide for them and presumably have the wherewithal to provide the needed assistance?

Furthermore, I have concerns about exempting Headstart and Pell grants from the deeming requirements. These programs are not open to every American. Even though we spend more than $3 billion on Headstart, the program only serves about 30 percent of poor children ages 3–4. I am not certain that we should continue to permit newcomers access without regard to the incomes of the sponsors that promised to support them.

The Government has limited money for Pell grants as well. At a time that college tuition costs are rising, it does not make sense to provide scarce resources to sponsored individuals—who

have sponsors that promised to provide support—when many citizens are having difficulty affording the high costs of college. We have already provided exemptions for those students who are in school—they will have no deeming applied to their financial aid. Are we going to educate those who come from around the world—promising never to use public assistance as a condition of coming here—before we provide enough funds to educate all the people who are here right now and who are having trouble with college expenses right now? It seems most puzzling.

I thank the Chair.

VOTE ON AMENDMENT NOS. 3820 AND 3823, EN BLOC

The PRESIDING OFFICER. The question is on agreeing to amendments Nos. 3820 and 3823, en bloc. The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—46

Akaka	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Pell
Breaux	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Chafee	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
Dodd	Kerry	Snowe
Dorgan	Kohl	Specter
Exon	Lautenberg	Wellstone
Feingold	Leahy	Wyden
Feinstein	Mack	
Ford	Mikulski	

NAYS—53

Abraham	Domenici	Lott
Ashcroft	Faircloth	Lugar
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Nunn
Bryan	Gregg	Pressler
Burns	Hatch	Roth
Campbell	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thurmond
DeWine	Levin	Warner
Dole	Lieberman	

NOT VOTING—1

Thompson

So the amendments (Nos. 3820 and 3823), en bloc, were rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3822

The PRESIDING OFFICER (Mr. ABRAHAM). The question is now on agreeing to amendment 3822.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are quite prepared to go to a vote on this. We addressed the Senate and had a short debate and discussion earlier today. Effectively, what this is doing is you have deeming for all of the Medicaid programs. What we are doing is carving out three narrow areas: children, expectant mothers, and veterans. There is $2 billion for all of the Medicaid programs. This is $125 million in terms of cost.

For the same reasons we have outlined here, we think that the expectant mothers ought to get the treatment because they are going to have a child that will probably be an American citizen. We think veterans—you have 24,000 veterans that will be under a means-tested program. The reality is those veterans, particularly with regard to prescription drugs, ought to be attended to. Obviously, the emergency kinds of assistance under Medicaid they should be eligible for.

A very narrow carveout. It costs $125 million over the next 5 years as compared to $2 billion. That is effectively what the carveout is.

Mr. SIMPSON. Mr. President, if Senator KENNEDY had an opportunity to address that issue, obviously, I should have the same opportunity. I think all would concur. So I want to have approximately 1½ minutes, whatever that was.

First, let me say the veterans are well taken care of in this country. That one just will not even float. We spend $40 billion for veterans. They have their own health care system. This is another hook. I yield to Senator SANTORUM.

Mr. SANTORUM. Thank you, I say to the Senator.

I just remind Senators that 87 Members of this Chamber voted for a welfare reform bill that passed the U.S. Senate that said all legal-sponsored immigrants receive no deeming. We eliminate deeming. Under the welfare bill we passed there is no deeming. If you are a legal immigrant in this country, sponsored, you are not eligible for welfare benefits until you become a citizen. And 87 Members of the Senate voted for that.

This is a much weaker version. What this keeps in place is a deeming provision that says that you are not eligible for benefits unless your sponsor cannot pay for it. We had no provision like that. There was no fallback. You just were not eligible, period.

Under the Simpson bill we are considering, at least there is a fallback that says if your sponsor can no longer help you, then we will.

So this is a weaker provision under the existing Simpson language than what 87 Members of the Senate voted for previously. So understand that you are falling back already, and those who were support this amendment would be falling back even further from the changes 87 Members voted for.

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 are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—47

Akaka	Glenn	Lieberman
Biden	Graham	Mikulski
Boxer	Harkin	Moseley-Braun
Bradley	Hatfield	Moynihan
Breaux	Heflin	Murray
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Chafee	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Specter
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	Wyden
Ford	Levin	

NAYS—52

Abraham	Exon	McCain
Ashcroft	Faircloth	McConnell
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Nunn
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Dole	Lugar	
Domenici	Mack	

NOT VOTING—1

Thompson

So the amendment (No. 3822) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I wonder, Mr. President, if I might have a brief intervention here.

Mr. SIMPSON. That will be on the Senator's hour.

CHANGE OF VOTE

Mr. CHAFEE. Mr. President, on vote 94, the Kennedy amendments Nos. 3820 and 3823 en bloc, I voted ''nay,'' and I would ask unanimous consent that I might be recorded as ''yea.'' That will not affect the outcome of the vote.

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

Mr. CHAFEE. I thank the Chair.

(The foregoing tally has been changed to reflect the above order.)

CRIMINAL ALIEN TRACKING CENTER

Mr. LEAHY. Mr. President, yesterday, the Senate approved an amendment that Senator HUTCHISON and I offered to bolster one of the strongest tools local and State law enforcement agencies have to identify and deport criminal aliens in our country. The Criminal Alien Tracking Center—also known as the Law Enforcement Support Center [LESC]—is the only online national data base available to local law enforcement agencies to identify criminal illegal aliens. I am proud that this facility is located in South Burlington, VT.

Our amendment will increase the authorization for the LESC in recognition of the need to bring additional States online as well as expand the scope of the work being done at the tracking center. President Clinton recently signed the Terrorism Prevention Act into law. The bill identified how important the Tracking Center has become and proposed that the Center become the repository for an alien tracking system.

Even before these additional responsibilities, the LESC staff in Vermont had demonstrated that the Center is a valuable asset and essential to our national immigration policy. The Center provides local, State, and Federal law enforcement agencies with 24-hour access to data on criminal aliens. By identifying these aliens, LESC allows law enforcement agencies to expedite deportation proceedings against them.

The Center was authorized in the 1994 crime bill. The first year of operations has been impressive as the 24-hour team identified over 10,000 criminal aliens. After starting up with a link to law enforcement agencies in one county in Arizona, the LESC expanded its coverage to the entire State. In 1996, the LESC is expected to be online with California, Florida, Illinois, Iowa, Massachusetts, New Jersey, Texas, and Washington.

The Tracking Center has become the hub at INS for seamless coordination between Federal, State, and local authorities. I would suggest to Commissioner Meissner, that the facility become the national repository for all INS fingerprint records relating to criminal aliens. Information from the fingerprints would be most accessible if the Center stored this information in an AFIS/IDENT data base with a link to FBI data bases.

As a former State's attorney, I also know that even the best tracking system does not work unless there is an adequate system to ensure that criminal files are promptly sent to investigators. That is why it would also make sense to have the LESC serve as the repository for INS A-files related to aggravated felons and aliens listed in the NCIC deported felon file. Locating these files at the Tracking Center will improve their accessibility to INS agents and U.S. attorney offices throughout the United States.

Mr. President, Congress must continue the empowerment of local law enforcement agencies in their efforts to identify criminal illegal immigrants. I am pleased that the Senate approved our amendment, No. 3788, that will increase the authorization for the Tracking Center—a resource every State should have in the fight against criminal aliens. I thank, in particular, the managers of the bill, Senator SIMPSON and Senator KENNEDY, for including these provisions in the manager's amendment.

Mr. KYL. Mr. President, I rise to comment on a provision that is included in the managers' amendment to S. 1664, the immigration reform bill. I am pleased to introduce this amendment, which will require verification of citizenship and/or immigration status for those applying for housing assistance. The applicant will have 30 days to provide proper documentation, or assistance will not be provided; applicants who have failed to provide documentation in that time will be taken off the waiting list. For those who already receive housing assistance, a verification of immigration status may be required at the annual recertification. Annual recertification for housing assistance is already required to determine income levels, and I would urge housing authorities to make good use of this option. If a housing authority requests verification, a household will have a 3-month period to obtain proper documentation or assistance will be terminated. Once the 3-month appeal is exhausted, a hearing may be granted in the fourth month. It is important to note that political refugees and asylum seekers are exempt from my proposal. The amendment I offer today passed the House immigration reform bill unanimously as part of the managers' amendment.

In 1980, Congress passed the Housing and Community Development Act, which included a section prohibiting illegal aliens from receiving Federal housing assistance. In 1995, 15 years after the bill passed, HUD issued regulations to implement the 1980 changes. Its regulations, however, will do little to prohibit illegal aliens from continuing to receive taxpayer-supported housing.

Under current regulations, illegal aliens can be placed on a waiting list and then granted housing assistance without having to provide documentation proving that they are eligible to receive the assistance. If a household is not eligible to continue receiving assistance currently it may appeal the decision in 3-month increments for up to 3 years. That is 3 years of taxpayer assistance for someone who may not be eligible to receive the funds.

In my home State of Arizona, officials of the Maricopa Housing Authority (which is primarily Phoenix) told me that, by their estimates, fully 40 percent of the people receiving housing assistance in Maricopa County are illegal. In Maricopa County, there are 1,334 Section 8 units and 917 public housing units available. The waiting list for units has 6,556 on it. If 40 percent of the current occupants are illegal, that means 900 housing units should be made available to those citizens or legal immigrants waiting their turn.

The problem in Arizona is dramatic; nationwide it is even more dramatic. In his report entitled ''The Net National Costs of Immigration,'' Dr. Donald Huddle of Rice University estimates that the cost of public housing provided to illegal immigrants in 1994 was roughly $500 million.

Even President Clinton acknowledged that there is a problem. When proposing guidelines for public housing this year, he said most public housing residents have jobs and try to be good parents, and, that it is unfair to let lawbreakers ruin neighborhoods, especially since there are waiting lists to get into public housing. ''Public housing has never been a right,'' he said, but rather ''it has always been a privilege. The only people who deserve to live in public housing are those who live responsibly there and those who honor the rule of law.''

The public housing authorities, of course, are the entities that will have to implement any new policy we enact. I contacted the housing authorities of Tempe, Yuma, Tucson, and Maricopa County. Not one of the housing authorities disagreed with my proposal. They all said that once an applicant or resident checks on an affidavit that he/she is a legal citizen, they are not allowed to pursue the issue. The housing authorities currently only ask for verification of immigration status if the applicant checks that he/she is an immigrant.

This amendment will curb the amount of housing assistance—paid for by taxpayers—going to illegal immigrants. It will return housing opportunities to the people who are here legally. I thank my colleagues for supporting this amendment.

Mr. SANTORUM. 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 (Mr. GRAMS). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, what is the status of things at the moment? I know that is unfair.

The PRESIDING OFFICER. We have several amendments pending in the second degree. Which amendment would the Senator want to consider?

AMENDMENTS NOS. 3855, 3857, 3858, 3859, 3860, 3861, 3862

Mr. SIMPSON. The amendments have been consolidated en bloc; 3855, 3857, 3858, 3859, 3860, 3861, 3862 all relating to the birth certificate issue and driver's license portion—has my amendment on birth certificates and driver's licenses.

Is that the regular order?

The PRESIDING OFFICER. It is the pending business.

Mr. SIMPSON. Let me just briefly and in 1 minute tell you what we have done. In this amendment, we provide that the new counterfeit and tamper-resistant driver's license in the bill, whatever they are, whatever State, will be phased in over 6 years, and the new standards will apply only to new, renewed or replacement licenses—not something issued 10 or 20 years before.

After this change, the bill will no longer be an unfunded mandate. CBO has an estimate after total State and local cost of driver's license and birth certificate improvements, finding it to be $10 to $20 million spread over 6 years. New minimum standards on birth certificates go into effect only after the Congress has had 2 years to review them, and cannot require all States to use a single form.

I talked to the manager of the bill and will now urge the adoption of the en bloc amendment by voice vote.

Mr. President, the amendment would phase in the bill's requirements for improved driver's licenses and State-issued I.D. documents over 6 years, beginning October 1, 2000—the year suggested by the National Governors' Association.

Under my amendment, the improved format would be required only for new or renewed licenses or State-issued I.D. documents, with the exception of licenses or documents issued in one State where the validity period for licenses is twice as long—12 years—as that in the State with the next longest period. This one State would have 6 years to implement the improvements.

Furthermore, the bill's provision that only the improved licenses and documents could be accepted for evidentiary purposes by government agencies in this country would—under the amendment I am now proposing—not be effective until 6 years after the effective date of this section, October 1, 2000. By this time 49 of the 50 States will have the new licenses and I.D. documents without any requirement for early replacement. In one State, some individuals wanting their license to be accepted by governments for evidentiary purposes would have to renew earlier than would be required without enactment of the bill, but would still have more time—6 years—than every other State except one, which would also have 6 years.

Thus, the amendment would mean that 6 years after the general effective date for this subsection of the bill—October 1, 2000—the improved licenses would have completely replaced the old ones and would be required for evidentiary purposes in all government offices.

Mr. President, I want to remind my colleagues that fraud-resistant I.D. documents will not only make possible an effective system for verifying citizenship or work-authorized immigration status—and thus greatly reduced illegal immigration. The improved documents will also make possible an effective system for verifying immigration status for purposes of welfare and other government benefits—resulting in major saving to the taxpayers. Additional benefits to law-abiding Americans would come from reduced use of fraudulent I.D. in the commission of various kinds of financial crimes, voting fraud, even terrorism.

My amendment is a response to the Congressional Budget Office's estimate of the cost of the bill's current requirement that improvements in driver's licenses and I.D. documents be implemented October 1, 1997.

If the amendment is adopted, the additional cost of replacing all licenses and I.D. documents by 1998, including those that would otherwise be valid for an additional number of years would be eliminated. Instead of costing $80 to $200 million initially, plus $2 million per year thereafter, CBO estimates that the total cost of all the birth certificate and driver's license improvements would be $10 to $20 million, incurred over 6 years.

CBO has written a letter confirming that fact.

Mr. President, with respect to birth certificates, the bill now requires that, as of October 1, 1997, no Federal agency—and no State agency that issues driver's licenses or I.D. documents—may accept for any official purpose a copy of a birth certificate unless (a) it is issued by a State or local government, rather than a hospital or other nongovernment entity, and (b) it conforms to Federal standards after consultation with State vital records officials. The standards will affect only the form of copies, not the original records kept in the State agencies.

The new standards will provide for improvements that would make the copies more resistant to counterfeiting, tampering, and fraudulent copying. One important example: the use of ''safety paper,'' which is difficult to satisfactorily photocopy or alter.

There is no requirement in the bill that all States issue birth certificate copies in the same form. But in response to concerns that some have expressed, the amendment I am now proposing explicitly requires that the implementing regs not mandate that all States use a single form for birth certificate copies, and requires that the regs accommodate differences between the States in how birth records are kept and how certified copies are produced from such birth records.

The bill provides that the regulations are to be developed after consultation with State vital records officials. Therefore, the differences between the States in how birth records are kept and how copies are produced will be fully known and accommodated by the agency developing the regulations.

Mr. President, my amendment also requires a report to Congress on the proposed regulations within 12 months of enactment. In addition, the amendment provides that the regulations will not go into effect until 2 years after the report. This will give Congress plenty of time to consider the report and take action, if necessary, to prevent implementation of the regulations.

The amendment also provides for a number of other changes suggested by HHS in a written comment sent in March, during the Judiciary Committee markup process:

First, the implementing regs will not necessarily be issued by HHS, but by an agency designated by the President—and the agency developing the regs must consult not only with State vital records offices, but with other Federal agencies designated by the President.

Second, in the description of the standards to be established in the regs, the reference to ''use by imposters'' will be deleted and replaced by the phrase ''photocopying, or otherwise duplicating, for fraudulent purposes.'' This change makes clear that there is no longer any requirement in the bill for a fingerprint or other ''biometric information.''

Third, funding is authorized for the required HHS report on ways to reduce fraudulent use of the birth certificates.

Fourth, the definition of ''birth certificate'' is modified to cover not only persons born in the United States, but also persons born abroad who are U.S. citizens at birth—because of citizenship of their parents—and whose birth is registered in the United States.

Fifth and finally, the effective date for the provisions relating to the new grant program for matching birth and death records and the requirement that the fact of death—if known—be noted on birth certificate copies of deceased persons will be 2 years after enactment rather than October 1, 1997.

These modifications represent most of the changes suggested by HHS.

Mr. President, back to the subject of driver's licenses: There is a technical correction that needs to be made to the grandfathering provision in the driver's license section of the bill. This grandfathering provision is one that my colleague, Senator TED KENNEDY, and I agreed to at the Judiciary Committee markup.

The agreement was that States would be exempted from the bill's requirement that State driver's licenses and I.D. documents contain a Social Security number, if—at the time of the bill's enactment—the State requires that applicants submit a Social Security number with their application and that a State agency verify the number with the Social Security Administration—but does not require that the number actually appear on the license or document.

This agreement is not reflected in S. 1664 in its present form. The amendment I am proposing will correct that.

Mr. SIMON. Mr. President, these amendments are acceptable on our side. We support them.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments en bloc (Nos. 3855, 3857, 3858, 3859, 3860, 3861, and 3862) were agreed to.

Mr. SIMPSON. Mr. President, just to review the matter at this time, the clock is running on the 30 hours. There are many amendments filed and few people to come to present them. That is usual procedure. We do not want to inconvenience people.

There are several amendments. Senator KENNEDY, I believe, does the desk reflect that there are two amendments of Senator KENNEDY that are pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Two total?

The PRESIDING OFFICER. That is correct.

Mr. SIMPSON. Then there are two of Senator SIMON, one of Senator SHELBY. Are those at the desk or have they been presented?

The PRESIDING OFFICER. There are several Simon amendments at the desk.

Mr. SIMPSON. We can proceed with the Simon amendments, discuss those, debate those, and see if we can process those this evening.

I would like to get a time agreement if at all possible. We are trying to give our colleagues some indication as to the requirements of their preparation here.

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. 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.

AMENDMENT NO. 3829

Mr. KENNEDY. Mr. President, in the course of the morning earlier today we offered amendments with regard to labor enforcement and also on the issues of discrimination. We had a brief interchange on that. We have been ready to move toward a decision on this measure. I know that the Senator from Wyoming has reservations about it, but let me just mention briefly again what the substance of this amendment is all about.

As I noted in my earlier remarks, this amendment provides the Department of Labor authority to do in the permanent workers immigrant program what it can already do on the temporary worker visa program. We effectively have two programs. On the temporary workers, even though it is called temporaries, it is up to 6 years, and there were about 65,000 last year. Under the permanent program it is 140,000, of which about 85,000 to 90,000 of those places are used. Within those 85,000, about 10,000 or 15,000 are individuals that are defined in the regulations of what we call the best and the brightest. Those are professors at universities that have a distinguished career. They are business managers that move from country to country in many of the international fields—top researchers and top scientists at the top of their fields—and regulations have been established for those individuals to be able to come in.

But the other segment of those—probably 30,000 to 40,000, it varies from year to year—there is a process and a procedure to ensure that there will be an invitation for American workers, if they are qualified, to fill those jobs before the farm workers are brought into this country.

What we have seen in recent times is that process is basically a subterfuge. There were over 10,000 applicants last year, workers that were qualified for those jobs. Only five of them were able to get the jobs. The issue has been outlined in detail both in the press and in the IG report.

So, clearly, what is happening is American workers' interests are not being attended to. As we are looking at general enforcement areas and mechanisms—and we did review the other general enforcement mechanisms in the bill which are related to enforcement procedures that apply to illegal aliens but also have a reference to legal aliens—what this amendment does is not very revolutionary. It makes provisions for the enforcement of existing laws. What use is a law if it cannot be enforced?

The Department of Labor inspector general's report, widely reported and commented upon, provides all of the additional information necessary, that our laws are not being followed and the American worker is the victim. Businesses have said that the enforcement of existing laws should be the focus of our efforts.

That is what we want to do. We are providing the Department of Labor sufficient numbers of investigative personnel. Out of the numbers that have been included in this bill, we are designating a number of those that will be used for this purpose. It does not make sense to hire additional people and then tie one hand behind their backs. If we are serious about enforcing the law to benefit American and foreign workers, the amendment I am proposing is a good place to start.

So, Mr. President, effectively that is what this amendment does. All it does is enforce existing law. All we are doing is allocating personnel to do for the permanent workers what we do for the temporary workers: to make sure that the provisions of the law are going to be respected. They are not today. It is not just my stating that they are not and reviewing the facts that they are not. I rely on the IG's report of the Department of Labor that spells this out in chapter and verse. It has been made public within the period of the last 3 weeks. I will not take the time of the Senate, unless there are Members that want to, and review their various findings, but the bottom conclusion is that this law is not being adhered to because it is not being enforced.

This measure is a very modest program, but it is an important program. The bottom line is that it will have an impact in giving greater assurance to qualified American workers that when these vacancies become available and the American workers are qualified for those vacancies, they will be considered, and considered favorably, for those particular employment opportunities. That is not the case now. What we have seen from the IG's report is that in many instances these workers are brought in, they are paid less than they are guaranteed, or provided, and they do not qualify for the other kinds of benefits. The wages go down. Other workers are brought in in a similar way.

So the bottom line is that there is a whole series of professional, skilled workers that are working for perhaps two-thirds or a half of what the American counterpart is earning, and the American counterpart is working in an American plant. So Americans are disadvantaged in two ways: No. 1, they are denied the opportunity to get the job in the first place; and, second, their brother workers who are working in a similar plant and earning a fair income, are further disadvantaged by the fact that these wages go down, and the companies are at a competitive advantage in one sense and disadvantaged in the other as a result of this program.

The program is on the books. It is not being enforced. The IG, as I said, has outlined in detail the kinds of circumstances which I have outlined, and we are allocating a certain number of those authorized personnel to be available to enforce the law.

Mr. President, we have not increased any of the penalties for violations. They will be consistent across the board between those that violate the law under the temporaries as well as those that violate the law under the permanent. There are questions about that. We can work that out and refer to the sentencing commission so there is uniformity on similar bills that might apply in other agencies.

This is an important program to help protect American workers that are qualified, so that they are not effectively being discriminated against in terms of their job applications as a result of the desire to bring in foreign workers and then to pay them less.

Mr. President, that effectively is what the amendment is about. I will be glad to either respond to questions or to move forward with the amendment.

Mr. SIMPSON. Mr. President, the concern here of some of us is the conducting of an investigation on the initiative of the Secretary of Labor or on the basis of a complaint. I wonder if I might inquire of my friend from Massachusetts, if we were to strike the word ''or otherwise''—on line 6, where it says the Secretary of Labor to conduct an investigation pursuant to a complaint ''or otherwise''—I wonder, if we were to

remove that, my objection would be less. Then you would still have to have reasonable cause to believe the employer has made a misrepresentation of a material fact on a labor certification.

I share the Senator's view and the view of the Secretary of Labor that certainly there have been abuses, and there have been, but I think that alone rather lends an uncomfortable aspect to it as to what ''otherwise'' would mean there.

Mr. KENNEDY. May I respond briefly?

I welcome the opportunity to try to find other words that might be acceptable, ''or otherwise.'' What we are attempting to address, if we strike ''or otherwise,'' the only way that there would be any kind of triggering of this measure would be on the action of a complaint by the individuals affected. Quite frankly, that is not going to happen because the minute that happens, this person is on his way—he or she—is on his way out of the country.

What we are trying to do is to permit at least a degree of flexibility as we have in the ''temporary'' where there is reason to believe. I would be glad if it is ''or otherwise.'' I was looking if it is based on receipt of information where there is reasonable cause to believe.

This is what I am concerned about. If we just strike ''otherwise,'' we would be limiting it just to the complaint, who would be the workers themselves, and there would be such pressure on that worker, effectively that individual would not bring forth the complaint because the person would be thereby probably subject to the loss of their privilege in this country.

It is generally the understanding that there are no protections for that individual, and therefore it would be unrealistic to think that would be the case.

I would be glad to try to address what the Senator mentions as being sort of a fishing expedition, to try to find words that might define it in a way that would not only be relevant to the particular complainant but also on the basis of well-founded information. It is best in this sort of circumstance, perhaps, on this measure to suggest a short—well, I will not suggest a quorum but perhaps we might set this one aside and see if we cannot come up with some words.

Mr. SIMPSON. Mr. President, I think that is an excellent suggestion. Then we could go to the amendments of Senator SIMON, because I think we can resolve this. Under the Immigration and Nationality Act it says, ''Complaints may be filed by any aggrieved person or organization, including the bargaining representatives.'' I have no problem with that. Maybe we can do that. Then, if Senator SIMON would proceed with his two amendments, we will have those available for voting later.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, may I inquire of the Senator from Wyoming—and I am sorry; I was off the floor for a short time—are we moving toward any kind of time agreement to stack the votes tomorrow morning or something like that?

Mr. SIMPSON. I would share with my friend, Mr. President, that apparently we are going to go forward. There is a window—we should have tried to express that—a window between now and 8 o'clock, but after 8 o'clock the leader would prefer to proceed with rollcall votes on whatever amendments are pending, and the more we can have pending the more we will get on with our work. I hope people will come here to do the work.

AMENDMENT NO. 3809

Mr. SIMON. Mr. President, I should like to call up 3809. It has already been offered but it was set aside.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SIMON. What this does is to change the basis for deportation from the Senate language to the House language. The Senate language, frankly, is so wide open in terms of deporting people. For example, someone who is a legal immigrant, who receives higher education assistance, or, Mr. President, someone in the State of Minnesota who would not be aware of it and got job training assistance under this amendment, unless it is changed, that person could be deported for getting job training assistance—someone who is here legally, going to become a citizen. I just do not think that makes sense. If they have a child who gets Head Start, that can be a basis.

So what we ought to do is do as the House did. Frankly, that is still pretty sweeping. AFDC, SSI—and the SSI program is the one that is abused. I think all of us who have been working in this area know this is the area of great abuse. Overall, those who come into our country who are not yet citizens use our welfare programs less than native-born Americans percentagewise. But limited to AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance. This is the language on the House side.

I think it makes just an awful lot more sense. If someone, for example, gets low-income energy assistance in the State of Minnesota, that would be a basis for deportation the way the bill reads right now. I do not think you want that. I do not think most Members of the Senate want that.

So that is what my amendment does. I think it makes the legislation a little more sensible, and I hope that my colleague, who is, I see, scribbling very vigorously over there, is scribbling the word ''OK'' and that he would consider accepting this amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I was not scribbling the word ''OK'' on this document, this tattered amendment here.

I oppose the amendment. I feel this amendment will create a very large loophole in our Nation's traditional policy that newcomers must be self-supporting. Under the bill, of course, an immigrant is deportable as a public charge if he or she uses more than 12 months of public assistance within 5 years after entry.

All of the means-tested programs, means-tested welfare programs—SSI, public housing, Pell grants—count toward this 12-month total for deportation. An exception is provided only for those programs that are also available to illegal aliens —emergency medical services, disaster relief, school lunch, WIC, and immunization.

Under the House bill, only certain programs make the immigrant subject to public charge deportation, and those programs are SSI, AFDC, Medicaid, food stamps, State cash assistance, and public housing.

The Senator's amendment would limit the public charge programs to the same welfare programs as the House bill but all others would not be included—and that would be Pell grants, Head Start, legal services, noncash—in determining whether an alien should become a public charge.

I remain quite unconvinced why any newcomer should be able to freely access the majority of Federal noncash welfare programs within the first 5 years after entry, given that all aliens must promise not to become a public charge at any time after entry. It seems most inappropriate to exclude most noncash welfare from counting against the newcomer.

I oppose it. Our Nation's laws since the earliest days have required new immigrants to support themselves. The first time was in 1645. Massachusetts refused to admit prospective immigrants who had no means of support other than public assistance. That was in 1645 in the State of our Democratic leader of this legislation.

In 1882, we prohibited the admission of any person unable to take care of himself or herself. We know those things. I keep repeating them. Likely to become a public charge, section 212 of the immigration law always saying that those who become dependent on public assistance may be deported. So not only would the immigrant not only promise to be self-sufficient before receipt of an immigrant visa, but he or she should remain self-sufficient for any appropriate period after arrival. We set that period.

Where all this came about is in a 1948 decision by an administrative judge within the Justice Department. Various administrative judges made it virtually impossible to deport newcomers who became a public charge. Under the current interpretation of the law, the Government has to show, one, the alien received the benefits; two, the agency requested reimbursement from the alien; and, three, the alien failed or refused to repay the agency.

The decision has rendered this section of the law virtually unenforced and unenforceable, and, as Senator DOMENICI said, we have deported 13 people

in the past, I think, year as being a public charge. This is despite the fact that research shows more than 20 percent of immigrant households are on welfare—households, not individuals. So the committee bill restored the public charge deportation. The bill already includes provisions to respond to concerns of some on the other side of the aisle. We have not destroyed the safety net. A generous safety net is provided for immigrants who must use more than 12 months of public assistance within the first 5 years of entry before becoming deportable as a public charge.

This new provision for public charge deportation is entirely prospective. It is not applicable to anyone who has already emigrated to the United States. Only those who come in the future will be affected.

And the Simon amendment permits future immigrants to receive any amount of assistance from Federal, State and local governments, as long as the newcomer avoids six major welfare programs. Newcomers would be able to access almost all noncash welfare programs for the entire time they are in the United States, without ever being deportable as a public charge. That is contrary to the stated national policy that no one may immigrate if he or she is likely to use any needs-based public assistance.

I know my friend from Illinois so well, after 25 years, nearly, of friendship. And know in each occasion that he speaks it is in the finest of intent and compassion and caring. This is one of those. But a deal is a deal. If you come here as a sponsored immigrant and somebody says we are not going to let this person become a public charge, that is it. You make a person do what I know the Senator from Illinois would like to do: If you have the bucks, you keep your promise. And the promise is they not become a public charge. And, if the sponsor cannot meet the debts and goes broke, cannot cut it anymore, then we pick up the slack as taxpayers. But why on Earth would we take up the slack on any kind of issue when they said: This person, I promise by affidavit of support, will not become a public charge? I would resist the amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Illinois.

Mr. SIMON. Mr. President, the Senator from Wyoming is correct. It was not ''OK,'' he was scribbling there.

We do not do anything about the deeming requirements here. What we are simply saying—and I would add the administration supports this amendment—what we are simply saying is that there are going to be programs that people may be taking advantage of, that are available, with no knowledge it could be a basis of deportation. Let me give an example. In rural Illinois—my guess is in rural Minnesota, rural Massachusetts and Wyoming too—there are transportation programs available for the elderly and the disabled. Under this amendment, if someone takes advantage of those programs for 1 year, that is a basis for deportation. That is crazy. You know, if you have a child in Head Start you can be deported. Maybe a spouse abuses someone and they go to legal aid. If they get legal aid they can be kicked out of the country, for getting legal aid.

I just think we have to be reasonable. I think the House language takes care of the big program. I know my friend from Wyoming agrees on this, the big program of abuse overwhelmingly is SSI. In addition to SSI, it has AFDC, food stamps, Medicaid, housing, and State cash assistance.

I think this amendment makes sense. Mr. President, I 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.

Mr. KENNEDY. May I inquire of the Senator, ask a question?

Mr. SIMON. I will be pleased to yield.

Mr. KENNEDY. Mr. President, we had some debate and discussion about education earlier in our amendments. Is the Senator saying if you have a legal immigrant and that legal immigrant is going to take advantage of a Pell or a Stafford loan, and that person goes to the sponsor and they find out that they are still eligible for that loan, so they are playing by the rules—they waited their turn, 76 percent of those are members of American families, so they have been deemed and they go in—and then they take that Stafford loan, for example, for a year, that that subjects that person to deportation?

Mr. SIMON. The Senator from Massachusetts is absolutely correct. These people are preparing themselves to be productive citizens and all of a sudden, because they are preparing themselves, they can be deported. If they are under a JTPA program they can be deported.

Mr. KENNEDY. This is even after we have had a good deal of discussion, I think for the benefit of most Members here—they felt: OK, they should be deemed, in terms of the sponsors. And even if they play this by the rules, they waited their turn to get in here, they are rejoining their families, they get accepted into the universities and college in the Senator's State, they run through the process of checking their sponsors to deem their income to theirs and they are still qualified for a Stafford loan, they take that loan to improve themselves and they take that for 1 year, then it is your understanding that under the Simpson proposal that that individual is subject to deportation?

Mr. SIMON. That is correct. And it just makes no sense whatsoever. The sponsors may very well have had a medically devastating problem that just wiped them out. So the person who is here legally is eligible for these programs and we ought to be assisting them.

Here, let me just remind everyone again, legal immigrants take advantage of these programs, with the exception of SSI, less, as a percentage of the people, than native-born Americans. So I would hope we would use some common sense here and accept this amendment.

Mr. SIMPSON. Mr. President, I feel like somehow I have spoken on this, I think, probably 10 times today, and I am using up my precious time. Let us, if we can all understand this—maybe I do not understand, which would not be the first time, but I think I do.

We are not talking about the poor and the wretched and the ragged here, and people being taken advantage of. We are talking about people who are here under the auspices of a sponsor, a sponsor who signed up and said: I promise that this person will not become a public charge. That is who we are talking about.

If a person is as ragged as I have heard in the last 15 minutes, cannot do this, cannot do that, stumbling around—those people are taken care of under the present law. We are talking about a person who is here under the good faith and auspices of a sponsoring person. We are not talking about anything that is not means tested. Anything that is not means tested somebody is going to get. We are talking about, when you line up for whatever it is—Stafford or Pell, whatever it is, that is means tested and you line up and say, ''Here I am. I need this program.'' And they are going to ask you, ''You are an immigrant and you have a sponsor. What assets does your sponsor have?'' And then they are going to say, ''Those assets are deemed to be your assets for the purpose of receiving this means-tested grant.'' And all we are saying is the sponsor is going to be responsible before the taxpayer is responsible. There is no mystery to this. This is not some strange thing where we are pulling the rug out from under people.

They say why do we do this with legal and not illegal? Illegal immigrants receive the benefits that I have discussed: WIC, emergency medical assistance, immunization. And why? Because they are here and we want to take care of them so they do not become sick and so on. We know that.

Then the argument is why do legal persons not get the same benefits that the illegal get? The reason is simple beyond belief. It is because a sponsor, who had enough assets and resources to take care of them, promised to do so. And should. And there is no reason on God's Earth, why the taxpayer should have to pick it up, unless the sponsor cannot cut the mustard anymore, has died, is bankrupt. And we have in the bill: Under those conditions the taxpayers will pick up the slack.

Mr. KENNEDY. Mr. President, could I ask the Senator from Wyoming: You can be eligible for Stafford loans up to $60,000 if you have three kids in school.

Now, you mean to tell me that if that person, say that individual who is the

legal immigrant, has $10,000 or $15,000 and the sponsor has $30,000, you are still eligible under the Stafford loan program for a Stafford loan and to repay it.

The way I read this, it talks about ''for purposes of subparagraph, the term 'public charge' includes any alien who receives benefits under any program described in paragraph D for an aggregate period of more than 12 months.''

Then it describes the program. In line 18 it says, ''* * * any other program of assistance funded in whole or in part by the Federal Government.''

Stafford loans are. That individual may have a higher rate of repayment, be able to get a smaller loan but still would get some kind of public help and assistance, because education loans are not considered to be welfare. The idea is individuals will pay that back. So they can conform with the provisions of the assets of both of them and still, as the Senator points out, receive that and under this be subject to the deportation, the way I read it. I think the Senator from Illinois has a balanced program here, and I hope that it will be accepted.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I do not want to postpone this much longer. Let us just say Christopher Reeve was a sponsor, and he went through this devastating accident. Let us say the people he sponsored live in Oklahoma in a rural community and they take advantage of transportation for the elderly and the disabled. Under this proposal, without my amendment, they can be deported.

I do not think that is what the American people want. I do not think that is what the U.S. Senate wants. I really do not believe even my good friend, ALAN SIMPSON, wants that, upon greater reflection. I hope we will conform the language to the way it is in the House and say on the six programs—AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance—if they take advantage of these programs for a year, then they can be deported. That is even harsher, frankly, than I would like, because I think there will be some circumstances that are unusual.

To just say sweepingly for any kind of Federal program you can be deported, like the Stafford Loan Program, I think is a real mistake. I hope the Senate will accept my amendment.

Mr. SIMPSON. Mr. President, I am going to leave it at that. I am using precious time, but I will just say that all these things do not take place, all these horrible things, little old ladies, veterans, people. Nothing here takes place if there is a sponsor who stepped up to the plate and said, ''I'm going to take care of this person, I vow that, I promise that.''

So anything means tested we are simply saying the assets of the sponsor become the assets of the immigrant. If you wish to allow newcomers to come here spending more than 20 percent of their time on public assistance during the first 5 years after entry, that seems quite strange to me when people are hurting in the United States. That is where we are.

I thank the Chair.

Mr. KENNEDY. Mr. President, can we just review where we are? We have all received a lot of questions about the order. It was my understanding that we had the labor enforcement amendment and the intentional discrimination amendment. I think we are very close to working out language of the labor enforcement provisions. I hope that we will be able to do that.

We have the intentional discrimination amendment, which I hope we can in a very brief exchange dispose of, in terms of the time factor. So we might be able to do that.

The Simon amendment on public charge, do we feel we are finished with that debate? That is another item. I do not know what the other Simon amendment is, whether that is going to be brought up. Or is that in line?

Mr. SIMON. Whatever. We can bring it up tonight. It should be debated very briefly.

Mr. SIMPSON. Mr. President, if we could perhaps deal with the intent standard language, which we had discussed earlier, I maybe have another 5 minutes or so on that. And then Senator FEINSTEIN.

Mr. KENNEDY. Then we can do Senator FEINSTEIN's amendment and see if it is possible—I do not know what the length of it is—maybe it is possible to add that on as well. Maybe it will not be.

Mrs. FEINSTEIN. Very short.

Mr. KENNEDY. That will be what we will try, so Members will have an idea of what we are going to do, if that is agreeable. I will just talk very briefly.

Mr. SIMPSON. Mr. President, can we say then, at least for the purposes of those of us here debating, that we close, informally close, the debate with regard to the Simon amendment, and maybe in a few minutes close debate with regard to the intent standard and maybe perhaps be in a position to have four or five votes which should satisfy all concerned?

Mr. KENNEDY. That would be fine.

Mr. SIMPSON. Would that not be a joy?

Mr. KENNEDY. Would that not be, and then we look forward to tomorrow.

Mr. President, I will just take a brief time with regard to the amendment on discrimination and, hopefully, we will be able to get it worked out.

Let me just ask then, before we do that, on the labor provisions, on line 6, if we strike ''or otherwise'' and put in there ''based on receipt of credible material information,'' does that respond to the principal concerns? I thought that might have been worked out with your staff.

Mr. SIMPSON. I am not aware of that, Mr. President, but I will certainly inquire.

AMENDMENT NO. 3816

Mr. KENNEDY. Let me then, Mr. President, just address the issues that I addressed earlier in the course of the debate, and I will do it briefly.

The dilemma is how are we going to assure adequate protection to employers who employ either foreign sounding, foreign looking individuals and ensure that they are not going to be subject to the economic sanctions and, on the other hand, how are we going to try and establish a procedure which will not lend whatever procedure is established to be utilized in ways that will open up discrimination against those individuals which, of course, in so many instances would be Americans.

I reviewed very quickly some of the more egregious situations where those citizens who came from Puerto Rico were asked to put out a green card. Since they are American citizens, they do not have green cards and were subject to forms of discrimination.

In any event, there may be differences as to the extent of discrimination that exists out there. There are many who believe it is a serious problem. There are others who do not believe so. But I do think we have an opportunity to address both the elements of discrimination which exist in varying degrees out there and also to provide a mechanism by which the employer is adequately protected and establishes a good-faith defense by accepting any one of the six cards that have been identified in this legislation that are credible.

That is effectively what we are attempting to do, Mr. President, to say that if employers have suspicions about an applicant, they already have a host of remedies. If the documents look phony, the employer can refuse to accept them and can refuse to hire the person.

If the employee has authorization documents that expire, the employer can ask for reverification of eligibility when the documents expire. Indeed, my amendment contains a provision that requires the employers to reverify eligibility.

If the documents look genuine, but the employer still has concerns, the employer can share these concerns with the applicant. For example, the employer can let the applicant know that it intends to verify the applicant's eligibility and will fire the person if it turns out the person is illegal. However, the employer cannot demand that the applicant produce additional or specific documents once the applicant has produced an authentic-looking document.

That is the fundamental issue. Otherwise, if we were to allow the employer to demand anything he wanted, it would end up with situations as I mentioned where employers demand green cards from Puerto Ricans. Under our current law these Puerto Rican victims have a remedy. Under section 117 they are out of luck. If we let employers determine what documents they will accept, which is effectively what section

117 does, everyone knows what will happen. Employers will develop suspicions about all foreign-looking and foreign-sounding people, and the discrimination that is already documented will worsen.

Keep in mind who these victims are. They are often hard-working American citizens. They are legal immigrants who are trying to become self-sufficient but are being left out because they look foreign or speak with an accent.

Mr. President, I believe that this proposal is a modest program. I think it meets the central challenges of assuring that the idea that jobs will be preserved for Americans or legal immigrants is real. It will reduce, I think in a very important way, the possibilities and reality of discrimination in the workplace.

Mr. President, I hope that the Senate will adopt the amendment.

Mr. SIMPSON. Mr. President, may I interject here with a unanimous-consent request that we lock in the two amendments? I think this may have been circulated. I will wait so that we might do that.

Mr. President, let me go forward briefly and conclude my remarks about the amendment. I spoke on that this morning. I want to readopt the language that I spoke this morning and would be appropriate here, and conclude with this.

Let me stress for my colleagues that this section of the bill does not permit employers to refuse documents because of an unreasonable concern about their validity. Administrative law judges have already found such a practice constitutes intentional discrimination. The bill is not intended to overrule any of those cases of intentional discrimination.

Employers should be able to ask an employee for additional documents only when they have reason to suspect that the new employee is an illegal alien. We are not interested in burdening employers. In fact, this bill is an extraordinary assistance to employers. No longer 29 documents to look at, but 6.

Employers around the country have been supportive of this measure. But I must also state that some of the numerous examples which are given in support of the amendment simply do not apply, especially the one about the Puerto Rican woman. Let us go to that.

One example cited by opponents of the provision in the committee bill is that a New York watch wholesaler refused to hire a Puerto Rican woman because she did not have a green card. The administrative law judge ruled that that action constituted a knowing and intentional discrimination. Think of that. Simply because the person refused to hire a Puerto Rican woman because she did not have a green card, that was knowing and intentional discrimination.

Most importantly, the employer in that case was punished under section 274B(a)(1) of the Immigration Nationality Act, a provision which is unchanged by my bill, not changed, not section 274B(a)(6), which the committee bill amends. In fact, this case was decided before the Congress enacted the section 274B(a)(6) in late 1990 and decided that merely asking for different documents constituted discrimination—merely asking.

This section of the committee bill provides protection only for employers who do not intend to discriminate. That is what the Senator is trying to reach. An employer who has constructive knowledge that an alien is unauthorized to work is permitted to ask for other documents. That is all we are saying. The employer knows something is wrong with those documents. He knows that, or he or she knows that, an alien is unauthorized to work, and they are permitted under this legislation to ask for other documents.

There is one other incorrect argument on behalf of this amendment. According to the propaganda sheet I have from certain in the Clinton administration, the lawyers of the Clinton administration, the bill would permit a Texas nursing home to fire an African American because he could not produce his birth certificate. That is wrong. That is false. The decision in that case held that when employers refused to accept certain documents because of an unreasonable concern about their validity, as opposed to a specific, justified concern, that action constitutes intentional discrimination.

We are talking about the employer. The signals are up. The employer knows something is not right. We are saying, he asks for another document. That is not discrimination. If they are in there to discriminate, the signals are not up. They are doing their hideous racism. That is not what we are talking about.

I believe we have to provide some protection from heavy penalties for employers who are attempting in good faith to follow the law. This amendment provides no relief, and in fact is no more than a detailed description of current law, the current law which squeezes the American businessman between the rock of employer sanctions and the hard place of intentional discrimination for even deigning to question an employee's documents.

So I urge my colleagues to oppose the amendment. The employers should be able to ask employees, when they have knowledge that a new hire is not legally authorized to work, for additional documentation and inquire of that without the huge fines which the administration insists on levying against employers who have never ever before—ever before—intentionally discriminated at all.

Mr. KENNEDY. Mr. President, I will take just a very few moments.

Mr. President, I will include in the RECORD the Leadership Conference on Civil Rights, their support for our amendment. Let me just mention a paragraph in here.

Some employer groups, including the National Federation of Independent Businesses and the nation's agricultural employers, argue that [my amendment] the KENNEDY amendment would put employers ''between a rock and a hard place'' when it comes to verifying documents that the employer ''knows constructively'' are not valid. The KENNEDY amendment addresses this concern by allowing employers to check the validity of such documents when they have a question about them. An intent standard goes much too far in response to the concerns of some employers. In fact, it immunizes employers against all but the most egregious discrimination claims. There is no need to gut the civil rights protections under IRCA in order to address a concern which can be resolved through more reasonable means.

The Leadership Conference strongly urges you to support the Kennedy amendment to strike the intent standard. . . .

Mr. President, I ask unanimous consent that that letter dated April 29, 1996, from the Leadership Conference on Civil Rights be printed in the RECORD.

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

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, April 29, 1996.

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights, we are writing to urge you to support an amendment to the immigration bill, S. 1664 that would preserve the civil rights protections of the nation's immigration laws.

Congress added civil rights protections to the Immigration Reform and Control Act of 1986 (IRCA) because of concerns that requiring employers to verify the employment eligibility of their workers would lead to discrimination against persons who were perceived as ''foreigners.'' Indeed, the law did result in widespread discrimination, as documented by a U.S. General Accounting Office (GAO) study in 1990 along with more than a dozen separate studies conducted nationwide. S. 1664 adds an ''intent standard'' to these civil rights provisions, which would make it impossible for most Americans suffering discrimination under the law to pursue a discrimination claim. Senator Kennedy will be offering an amendment to strike this intent standard and replace it with language addressing the legitimate concerns raised by employers. The Leadership Conference on Civil Rights strongly urges you to support this amendment and preserve the nation's tradition of equal justice under the law.

The GAO report and other studies indicate that most of the widespread discrimination resulting from IRCA stems from employer confusion. For example, some employers insist on seeing green cards from any person who appears ''foreign'', despite the fact that many such individuals are native-born U.S. citizens. When such an employer insists on seeing a green card, these Americans lose jobs. This was the case when Rosita Martinez, a Puerto Rican American, took her employer to court after he insisted that the law obliged him to see her green card before hiring her. Had the intent standard been the law at the time, Ms. Martinez would have lost that job without any remedy under the law.

Some employer groups, including the National Federation of Independent Business and the nation's agricultural employers, argue that the Kennedy amendment would put employers ''between a rock and a hard place'' when it comes to verifying documents that the employer ''knows constructively''

are not valid. The Kennedy amendment addresses this concern by allowing employers to check the validity of such documents when they have a question about them. An intent standard goes much too far in response to the concerns of some employers. In fact, it immunizes employers against all but the most egregious discrimination claims. There is no need to gut the civil rights protections under IRCA in order to address a concern which can be resolved through more reasonable means.

The Leadership Conference strongly urges you to support the Kennedy amendment to strike the intent standard and replace it with language which addresses employers' concerns without wiping out civil rights protections for Americans.

Sincerely,

RICHARD WOMACK,
Acting Executive Director.
DOROTHY I. HEIGHT,
Chairperson.

Mr. KENNEDY. Mr. President, I will just wind this up with the story of Representative GUTIERREZ. This was on April 18.

A Capitol Police security aide refused to accept the congressional identification of Representative Luis V. Gutierrez as he tried to enter the Capitol and told him and his daughter to ''go back to the country you came from,'' the representative said yesterday.

Gutierrez . . . said that he was walking into the main visitor's entrance to the Capitol on March 29 with his 16-year-old daughter and 17-year-old niece when he was approached by the security aide.

The aide [I will leave that out; it is printed in the story] has been suspended with pay pending an internal investigation, said Sgt. Dan Nichols, Capitol Police spokesman.

The Congressman said that he and the girls were carrying Puerto Rican flags during a Puerto Rican appreciation day ceremony and were putting them through an X-ray scanner when Hollingsworth began ''screaming'' at him for allowing the flags to slightly unfurl, he said.

''She said she didn't want to see the flags, and I told her I would take care of them,'' Gutierrez said. ''Then she said, 'Who do you think you are?' When I told her I was Congressman Gutierrez, she said, 'I don't think so.'''

Gutierrez said that when he presented his congressional identification card, Hollingsworth ''said that my identification must have been a fake. Then she said, 'Why don't you all go back to the country where you came from.' She was rabidly angry.''

Gutierrez said the confrontation went on for about a minute until a Capitol Police sergeant noticed what was happening and, recognizing the Congressman, and ushered Hollingsworth away.

''From the very first time she was talking to me, she was yelling,'' Gutierrez said. ''She thought we were foreigners from another country, and she was very resentful of that. Twice she told us to go back to our country.''

That has happened to a Congressman of the United States in the last few weeks here in the Nation's Capitol. What kind of chance is a worker going to have, out in the boondocks, American worker, trying to get through, when you run against that kind of an attitude?

Mr. President, this is a real problem. It is happening here in the Nation's Capitol, and it is happening around the country.

The provisions which are included in the current law need to be changed. We have outlined a fair, reasonable way of protecting the applicant, the worker, and also the employer. It is a better way to go than the current law. I hope the amendment is accepted.

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.

Mr. SIMPSON. Mr. President, let me lock in this unanimous-consent request so our colleagues will know better about the disposition of their evening activities.

I ask unanimous consent that a vote occur on or in relation to amendment No. 3816 offered by Senator KENNEDY at the hour of 8 p.m. this evening and immediately following that vote, the Senate proceed to a vote on or in relation to the following amendments in the following order, with 2 minutes of debate equally divided prior to each vote after the first vote: amendment No. 3809, amendment No. 3829—it may be resolved, but I would like to lock those in.

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

Mr. SIMPSON. Finally, Mr. President, that is a powerful, poignant story of discrimination and a disgusting activity, but that is not what we are talking about. We are talking about an employer who has in front of him someone that he has an idea, and he has seen the documents, he knows something is wrong. He has been doing this for years, ever since 1986, and the signal goes up, and he says, ''I want to ask you for another document,'' and suddenly he has violated the law and is subject to tremendous fines. That is not right.

That is the purpose of the bill. It is not about such an egregious and foul procedure as we have just heard described.

Mr. KENNEDY. Mr. President, I want to pay my respects to the Senator from California today. She was here early like other of our colleagues, at her post early today on the Judiciary Committee, and came over here just at the lunch hour and has been inquiring, I think every half hour, about when she can be recognized. We wanted to try to move the business forward. I want to commend her for her perseverance and look forward to her amendment.

AMENDMENT NO. 3777 TO AMENDMENT NO. 3743

(Purpose: To provide for the construction of physical barriers, deployment of technology, and improvements to roads in the border area near San Diego, CA)

Mrs. FEINSTEIN. I thank the Senator from Massachusetts. I send an amendment to the desk and ask for its immediate consideration.

Mr. KENNEDY. Mr. President, I ask that the pending amendment be temporarily laid aside.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. BOXER, proposes an amendment numbered 3777.

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

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

The amendment is as follows:

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

Mrs. FEINSTEIN. Mr. President, this amendment concerns the proposal to build a triple-fence barrier on the Southwest border. Specifically, the amendment I am offering would strike section 108 and replace it with a provision allowing $12 million for the construction and expansion of physical barriers along the border with Mexico, which, in addition to fencing, includes all-weather roads, low-light television systems, lighting sensors, and other technology.

I think we all know that the border represents the front line of deterrence for illegal entry into the country and that the current situation is inadequate. There is a 14-mile stretch of border that separates San Diego and Mexico, and it is patched with some single fencing that is in constant need of repair, has areas with no barriers at all, and roads that wash out and become impassable at the first sign of rain.

The House-passed bill mandates the construction of three parallel fences along the existing 14 miles of reinforced steel fence on the United States-Mexico border in San Diego County. I voted for the triple-fence amendment in the Judiciary Committee because I believed we needed to remedy that situation. After the vote, though, I had a chance to meet with representatives from the Border Patrol and the INS.

I ask unanimous consent to have printed in the RECORD a letter from the National Border Patrol signed by its president, stating:

A three-tier fence would also create a crime zone within the boundaries of the United States where illegal immigrants would be easy prey for robbers, rapists, and

other criminals. The accomplices of these criminals could easily prevent law enforcement officers from responding to these crimes by blocking access roads with nails, broken glass, other debris, [et cetera]. . . .

The Border Patrol Council strongly recommends this bill be amended by replacing the requirement with a safer and more effective alternative.

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

NATIONAL BORDER PATROL COUNCIL,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Campo, CA, April 15, 1996.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The National Border Patrol Council, representing nearly 5,000 Border Patrol employees, is deeply concerned by the provision in S. 1664 (formerly S. 269, the ''Immigration in the National Interest Act of 1995'') that would require the construction of fourteen miles of three-tier fencing in San Diego, California. Such fencing would needlessly endanger the lives of Border Patrol Agents by trapping them between layers of fences and leaving them with no expeditious means of escape from the gunfire, barrages of rocks and other physical assaults that routinely occur along the U.S.-Mexico border.

A three-tier fence would also create a crime zone within the boundaries of the United States where illegal immigrants would be easy prey for robbers, rapists, and other criminals. The accomplices of these criminals could easily prevent law enforcement officers from responding to these crimes by blocking access roads with nails, broken glass, other debris, barrages of rocks and/or gunfire.

Rather than facilitating the accomplishment of the Border Patrol's mission, a three-tier fence would decrease the effectiveness of its operations, and would make an already dangerous job even more so.

The National Border Patrol Council strongly recommends that S. 1664 be amended by replacing the requirement to construct a three-tier fence with a safer and more effective alternative. Those who deal with the problem of illegal immigration on a daily basis should be allowed to decide which technologies, including physical barriers, all-weather roads, low-light television systems, lighting, sensors, and other means, are more appropriate and effective for a given area.

Your support of this amendment would be greatly appreciated.

Sincerely,

T.J. BONNER,
President.

Mrs. FEINSTEIN. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated April 16 from the Department of Justice, Office of Legislative Affairs, to the majority leader on this subject.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 16, 1996.

Hon. ROBERT DOLE,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: I write to express the Administration's strong opposition to the proposed requirement for triple-tier fencing contained in S. 269, the ''Immigration in the National Interest Act of 1995.'' This provision requires the construction of second and third fences, in addition to the existing 10-foot steel fence, along the 14 miles of U.S.-Mexico border in the San Diego Border Patrol Sector. The bill also requires roads to be built between the fences. Instead, we support an amendment, to be offered by Senators Feinstein and Boxer, to replace the requirement for triple fencing along portions of the Southwest border with an authorization of funds for the construction and improvement of physical barriers, lighting, sensors, and other technologies to detect and deter unlawful entry.

The requirement now in the bill, if enacted, would endanger the physical safety of Border Patrol agents. U.S. Border Patrol agent Joe Dassaro, Public Information Coordinator for Local 1613, U.S. Border Patrol Council, recently stated, ''There is no support from U.S. Border Patrol agents in the field for the three tiered fence. We see it as a dangerous situation. If an agent goes between the three fences and gets into trouble, there is a longer response time for another Border Patrol agent to come to his/her aid . . .'' From a tactical perspective, agents travelling along roads surrounded by fencing present an easy target for alien smugglers and others ready to thwart our enforcement efforts. Our experience has shown that when agents travel in a single, predictable line, they and their vehicles are susceptible to attack with rocks and other objects.

Response time to an emergency situation in areas adjacent to fenced in areas will be greatly and unnecessarily increased if this provision is enacted. Agents that patrol between the sections of the fence will not have the ability to quickly and directly get out of the areas at critical times. With triple fencing, smugglers can easily block a Border Patrol vehicle with debris and limit agent mobility to the fixed path bounded by the fence. In addition, the rocky terrain and deep canyons in this region of California make a continuous road impossible to build and use. The challenges presented by this terrain are better met through the other tactics currently deployed in the San Diego Sector.

We support physical barriers along the border when and where they are appropriate and have erected 23 miles of fences along the California Border as an important part of our strategic plans. In order to build the fence that is now in place, it was necessary to construct an access road along the border. Rather than specifying barriers, we recommend funding to construct ''all-weather roads'', since the existing roads become impassable after relatively little rainfall. The current situation prohibits the Border Patrol from actually reaching the border and interrupts repair and maintenance on the fence. Rain also precludes the Border Patrol from working close to the border in a high visibility, deterrent posture. Agents must pull back and work from hardpacked or paved streets during these periods. With an all-weather road system, Border Patrol agents would have access to the fence even during the extended rainy season.

We fully recognize the usefulness and need for border fencing and have been at the forefront of fencing innovations for many years. Single fencing is a valid deterrent in many areas and we will continue to use this tool at various locations to meet the needs of the San Diego Sector Border Patrol. In some carefully selected areas, multiple fencing may be appropriate. Other deterrence technologies, such as enhanced communications systems, lighting, low light television systems and fixed infrared/daylight cameras also will compliment the existing and planned fencing. In our view, the actual deployment of personnel, physical barriers, technology and operational judgments are decisions best left to the Border Patrol with responsibility for the day-to-day operation at the ground level.

Please do not hesitate to contact me if I can be of further assistance. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mrs. FEINSTEIN. Both these letters, Mr. President, make a strong case and, to me, a convincing case that the current $12 million proposal to construct a triple-fence barrier along the entire 14-mile stretch is not feasible, and would not accomplish the intended goals, and could pose safety risks for Border Patrol agents.

The INS argues that some border areas are not suitable for multiple fences and are not sealed off by a single barrier because of the steep terrain. They made the case that it would be difficult if not impossible to erect a triple fence in these areas at below a cost of $110 million—far above the $12 million in this proposal.

This, to me, is overly expensive and a waste of taxpayer money. The INS and Border Patrol argue that a triple fence running for 14½ miles would be dangerous and ineffective.

Now, what this amendment does is present a sensible, cost-effective substitute for the triple fence concept. It has the strong support of the INS, the Border Patrol, and the National Border Patrol Council. Essentially, what the amendment would do is authorize $12 million for construction of a vitally needed all-weather road system along the border. It would allow for the low-light television system, more ground sensors and infrared night-vision equipment. It would also provide some flexibility with respect to the border fence itself.

I am told that of the 14 mile area, the INS has located eight locations which it has said could be suitable for three-tier barriers that range in length from half a mile to 3 miles in length. That totals about 9½ miles. Once again, their top priority would be construction of an all-weather road system in this area.

What this amendment does, bottom line, is say, ''INS, use your best judgment.'' There is $12 million authorized. Have flexibility. Be able to create your all-weather roads, the necessary infrastructure, and use the triple fencing where it is safe and makes sense to do so.

I think that is the appropriate way, really, to handle this situation.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3776 TO AMENDMENT NO. 3743

(Purpose: To strike the provision relating to the language of deportation notice)

Mrs. FEINSTEIN. Mr. President, I send an 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 California [Mrs. FEINSTEIN], for herself and Mr. SIMON, proposes an amendment numbered 3776 to amendment No. 3743.

Mrs. FEINSTEIN. 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:

Beginning on page 99, strike line 10 and all that follows through line 13.

Mrs. FEINSTEIN. Mr. President, this amendment essentially corrects what I believe is a mistake in the bill. Present law allows for the use of both English and Spanish in deportation orders. The bill, as it came out of committee, struck that section. Therefore, only English could be used in deportation orders.

Frankly, it does not make sense to give somebody a deportation order that they cannot read. And the dominant majority of illegal immigrants in the State of California speak Spanish only. Therefore, it would make sense that a deportation order be in Spanish and in English.

My amendment would simply strike the English-only requirement. I am joined by Senator SIMON in this amendment that would restore the language to its prior situation.

If I might, I neglected to mention something, and I would like to remedy that, Mr. President. Senator BOXER is a cosponsor on the alternative language on the triple fence.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up an amendment that is now at the desk. I am not going to debate it for more than a couple of minutes.

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

AMENDMENT NO. 3865 TO AMENDMENT NO. 3743

(Purpose: To authorize asylum or refugee status, or the withholding of deportation, for individuals who have been threatened with an act of female genital mutilation)

Mr. REID. Mr. President, I send an 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 Nevada [Mr. REID], for himself, Ms. MOSELEY-BRAUN and Mr. SIMON, proposes an amendment numbered 3865 to amendment No. 3743.

Mr. REID. 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 appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(A) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended—

(A) by inserting after ''political opinion'' the first place it appears: ''or because the person has been threatened with an act of female genital mutilation'';

(B) by inserting after ''political opinion'' the second place it appears the following: '', or who has been threatened with an act of female genital mutilation'';

(C) by inserting after ''political opinion'' the third place it appears the following: ''or who ordered, threatened, or participated in the performance of female genital mutilation''; and

(D) by adding at the end the following new sentence: ''The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.''.

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after ''political opinion'' the following: ''or would be threatened with an act of female genital mutilation''.

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

''(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''

''(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. REID. Mr. President, I have asked for a vote on amendment No. 3865, the one that has been debated at length in this body on other occasions—in fact, yesterday, during a time that I obtained the floor, I talked about this amendment at some length. This is making female genital mutilation illegal in the United States and a basis for asylum.

I ask unanimous consent that Senator CAROL MOSELEY-BRAUN be added as a cosponsor and that the senior Senator from Illinois, Senator SIMON, be added as a cosponsor.

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

Mr. REID. Mr. President, over 100 million women and girls have been mutilated by this procedure in the world. Six-thousand each day are mutilated—7 days a week, 365 days a year. Most girls, of course, are too young or do not have the means to flee.

Mr. President, 3 years ago, Canada made female genital mutilation a basis for asylum. Since that time, two women have been granted asylum for that reason. So for us to think this is going to open the floodgates for people seeking asylum on that basis, it will not happen. Remember, most of the people upon whom this procedure is performed are little girls.

So we do not have to fear a wave of immigrants coming and claiming this as a basis for their coming here. But the United States must take a stand and speak out against this horrid practice. We must make it illegal and recognize it as basis for asylum.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SIMPSON. What is the status?

Mr. REID. I say to my friend this, and I should have said this earlier, before I answered the Senator's question. I appreciate the work on this immigration bill. I appreciate the work the Senator has done on helping me with

other amendments and a managers' amendment. I have worked with the Senator on this issue and on a number of different pieces of legislation.

I asked for the yeas and nays on this amendment.

Mr. SIMPSON. Mr. President, I have spent not so many years with people telling me how helpful they can be, and that is the most gratifying thing that I can hardly speak on it through the years. ''I want to help you, Senator SIMPSON.'' But this amendment is not helpful. This is a very controversial amendment.

I share the Senator's views about this brutal procedure. It is a cultural matter. You get into serious issues that are unresolvable. If we are to give the yeas and nays, is the Senator indicating he wishes that to be discussed or debated tonight? According to many I have spoken to, that will take a great deal of debate.

Mr. REID. Any time the Senator wishes. I have no desire as to when the matter is discussed.

Mr. SIMPSON. I then request of my friend, if he wishes to help the cause, not request the yeas and nays, and we will work tomorrow on a time appropriate to deal with that issue.

Mr. REID. That is fine. I withdraw the request for the yeas and nays.

Mr. SIMPSON. I thank the Senator. Certainly, it will not be foreclosed. It is a critical issue. It is also one of those issues that opens some extraordinary avenues of approach in the United States.

Mr. REID. I know the Senator wants to move this bill along. But I did state that Canada made this procedure a basis for asylum 3 years ago, and they have had two people granted asylum in 3 years.

Mr. SIMPSON. That is a very helpful part of the central debate. My friend knows I can trust him and he can trust me.

Let me speak quickly on Senator FEINSTEIN's amendment with regard to the fence. I think that that flexibility may be appropriate. I have carried a good deal of water on this. I do not see others here to speak on it. That flexibility may well be appropriate. But with regard to the requirement of deportation notices in Spanish and English—and that is also the amendment of the Senator from California—I would oppose that amendment and let me share just briefly why.

To require that all deportation notices be in Spanish as well as English, when many deportees do not speak Spanish, but rather one of a score of other languages—Spanish is not the language of all people we deport. We deport people from all over the world. Many Spanish speakers do understand English. Many deportees do not speak Spanish and, as I say, it is a puzzle and it is also wasteful. I also believe it is important. It creates the impression that Spanish is equal to English in this country.

Spanish is not equal to English in this country as the common language that is the United States of America. We are going to vote on that soon. I did not vote to make English the official language of the United States when it came up years ago. I will do so now because I think there have been some adjustments, some understandings that will be helpful. But this creates the impression that Spanish is, as I say, equal to English in this country. We should not mandate that our Government conduct its business in any language other than English.

It is in the INS' interest to guarantee that the subject of a deportation order understands its contents. I agree with that, having been a lawyer for 18 years. Therefore—please hear this —the INS does, and should, provide translations, or translators whenever necessary, and not just into Spanish, but into whatever language is most appropriate.

My colleagues should know section 164(a) does not impair the due process rights of any alien in a deportation proceeding—none. So, as I say, I am puzzled at that, unless we are going to ignore scores of other languages and that is apparently what we would do in this instance.

Mr. KENNEDY. Mr. President, I see the Senator from California still on the floor. As I understand it, current law is English and Spanish, but there is also the current practice of also printing that in other languages that are related to the language of the individual that would be subject to the deportation. That is my understanding of what currently exists.

That seems to be the way that it makes most sense. I do not know whether we are trying to make a problem here. I support the Senator. It is my understanding they print it in other languages as necessary. I do not know whether we are making a problem here that does not exist. That happens to be sort of the current situation. I intend to support the Senator.

Mrs. FEINSTEIN. Mr. President, just to respond very briefly to the Senator from Massachusetts, the present act refers to this: Each order to show cause, or other notice in this subsection, shall be printed in English and Spanish and shall specify that the alien may be represented by an attorney in deportation proceedings, et cetera.

All we are putting back in is the reference to English and Spanish. The real fact is that, if on the California border someone is going to get a deportation notice, it really should be in Spanish if one expects them to read it and understand it.

Mr. KENNEDY. If the Senator will yield. As I understand it, the effect of the amendment is to restore current law.

Mrs. FEINSTEIN. That is correct.

Mr. KENNEDY. So supporting the Senator's amendment would effectively restore the current law, which has been well explained by the Senator from California. That permits the English, Spanish, and also the language of the individual that is going to be affected. It seems to me that restoration of the current law is desirable.

AMENDMENT NO. 3829, AS MODIFIED

Mr. KENNEDY. Mr. President, I had introduced earlier amendment 3829 that is pending and has been temporarily set aside. I would like to—it is not the minimum wage—I had actually put that out of my mind for now.

Mr. SIMPSON. It will come back.

Mr. KENNEDY. It will come back.

Mr. President, on 3829, the amendment which was to try to strengthen the protections for certain workers, I send to the desk a modification to the amendment and ask, I believe since the yeas and nays have been ordered, unanimous consent that it be in order to amend the amendment and to amend it as designated.

The PRESIDING OFFICER. Is their objection to modifying the amendment?

Without objection, it is so ordered.

The amendment (No. 3829), as modified, is as follows:

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or based on receipt of credible material information, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

Mr. KENNEDY. Mr. President, as I understand it now, with those changes which had been suggested by my friend and colleague, hopefully, it will be acceptable to the Senate. When we reach the hour of 8 o'clock and we begin the consideration, I will ask for a voice vote on this amendment. I will also ask unanimous consent that a colloquy between the Senator from Wyoming and myself be put in place.

I thank the Senator for his assistance in working this through. I think it is a very constructive suggestion, and we welcome his recommendations. Hopefully, it will be accepted in the Senate.

Mr. SIMPSON. Mr. President, I believe there is one other possible objection on my side of the aisle with regard to that. I will have that information in a few moments. With regard to the colloquy, it is perfectly appropriate for me. It resolves the issue.

I say to my friend from California—if I might have the attention of my friend from California, Senator FEINSTEIN, if I could just have a moment with my friend from California, I commend her for her extraordinary work in this field. But what we are trying to avoid here by what we did in the bill is that the law does not give an option to put it in Spanish or English. The present law says that it ''shall be'' in English and Spanish. ''Each order to show cause, or other notice under this subsection, shall be in English and Spanish,'' which seems absurd when you are

presenting it to Chinese or someone else. That is why we dropped it.

It was not so we could be sinister. It is absolutely bizarre that someone from any other country on Earth, non-Spanish-speaking country, is presented with this order in English and Spanish which is a waste of resources of the INS. Our provision would simply allow the translators and interpreters to be there, and they would. They are there. You can require that in any language of the dozens or hundreds of the world. That is what that was. It was a requirement. There was no option to it.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. SIMPSON. Yes.

Mrs. FEINSTEIN. My concern is that if this is removed from the bill, deportation notices, particularly in California, will go out in English only, and the great bulk of them go to Spanish. So we are taking out the requirement that it be—just as the Senator said, and as I believe I read—in English and Spanish, but we are replacing that with silence. My concern is that the silence will be interpreted and in English only. Therefore, we will have people who will not be able to read their notice.

Mr. SIMPSON. Mr. President, I respectfully say that the INS has translators in each of these situations. There is a clear understanding because a deportation notice is a serious issue, and the current law requires—demands—and says ''shall'' even if the alien does not speak Spanish. If the alien does speak Spanish, there is someone there from the INS, and it does not matter what language. That person is then provided with the translation and the translators to be certain that they heard what was said.

If you remember the Medvid issue, the Soviet ship jumper, we not only had a person there speaking Russian; we had a person there speaking Ukraine.

That is what we do in this situation. All we are saying is it seems rather puzzling to know that, though we are going to have deportees from the wide world over, we still then have presented something that is printed in English and Spanish regardless of who they are.

Mr. KENNEDY. Mr. President, I ask unanimous consent that if a rollcall vote on amendment 3829 is required, it occur following the series of votes that have already been ordered to begin at 8 o'clock.

That is already part of the order?

The PRESIDING OFFICER. The vote will now occur on——

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent that we have 2 more minutes so that the floor manager can list the order of the various amendments for the information of the Members of the Senate.

Mr. HELMS. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I will agree if the Senator will agree to have 10-minute votes after the first one in the series that the unanimous-consent request would follow.

Mr. KENNEDY. Mr. President, that is more than fine with me. That would be a decision I would leave to the majority, but it is more than fine with me.

Mr. SIMPSON. Let me say, Mr. President, to my friend from North Carolina, it is perfectly appropriate with me that every succeeding vote will be 10 minutes in duration. But I have a bit of a problem with regard to the amendment, the first amendment of Senator FEINSTEIN. One of our Members who would like to speak on that issue has been a great supporter of the amendment as it left the Judiciary Committee, and so I would ask that that simply not be part of the vote, and it is not. We were going to possibly accept that, but there will be further debate on that at least from one Member on our side.

So we will have four amendments to vote on so that our colleagues will know the lay of the land. The first amendment is a Kennedy amendment to determine work eligibility of prospective employees. The second is a Simon amendment to adjust the definition of ''public charge.'' The third is to allocate a number of investigators with regard to complaints.

Now, that one we may get taken care of with a colloquy.

And then the fourth one, and I would ask unanimous consent that a vote occur with respect to the Feinstein amendment No. 3776 last in the sequence under the same terms as previously entered.

The PRESIDING OFFICER. The Chair would ask the Senator from Wyoming to withhold the unanimous-consent request until we act on the unanimous-consent request of the Senator from Massachusetts.

Does the Senator from North Carolina object?

Mr. HELMS. I will object unless it is made clear in the unanimous-consent request that the first vote be 15 minutes and the succeeding three be 10 minutes each.

Mr. SIMPSON. Mr. President, I would certainly add that.

Mr. HELMS. Very well. In that case, I have no objection, Mr. President.

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

Mr. SIMPSON. Mr. President, we move fast. Let me just say that if someone on the other side of the aisle were late for the first 15-minute vote, it might be a problem. It is not to me. But let the record show that there is also 2 minutes equally divided on each of these amendments, so that our colleagues will be aware of that.

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

Mr. KENNEDY. Mr. President, have the yeas and nays been ordered on 3816?

The PRESIDING OFFICER. Yes, they have been ordered.

VOTE ON AMENDMENT NO. 3816

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3816. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—32

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Inouye	Pell
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Feingold	Leahy	

NAYS—67

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Boxer	Gregg	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Roth
Burns	Helms	Santorum
Campbell	Hollings	Shelby
Chafee	Hutchison	Simpson
Coats	Inhofe	Smith
Cochran	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Levin	Thurmond
Domenici	Lieberman	Warner
Exon	Lott	Wyden
Faircloth	Lugar	
Feinstein	Mack	

NOT VOTING—1

Cohen

So the amendment (No. 3816) was rejected.

AMENDMENT NO. 3809

The PRESIDING OFFICER. On amendment No. 3809, there will now be 2 minutes for debate equally divided.

Mr. SIMPSON. May we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SIMPSON. Mr. President, so that our colleagues will know the procedure and the schedule, we have three amendments with a 10-minute time agreement. One of those may be resolved within a few minutes. So the maximum will be three, unless the leader has something further. The minimum will be two.

Mr. President, now we are on the Simon amendment No. 3809 with 1 minute on each side. I yield to my friend, Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. This is an amendment, my colleagues, that conforms the Senate bill to the House bill for the basis

of deportation. Under the language that is now in the bill, without this amendment, any kind of Federal assistance may be a basis for deportation if you receive it for 1 year.

For example, a student who would get a student loan, where the sponsor either had to have gone bankrupt or did not have the income, together with the income of the family that came in, that would be a basis for deportation. If in rural Kentucky or Illinois someone got rural transportation for elderly and the disabled, that would be a basis for deportation. That just does not make sense. We keep the AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance. If you get any of those for 1 year, you can be deported, but not any general Federal program.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, one of the improvements made by the bill is in the definition of ''public charge'' and ''affidavits of support.'' The bill defines ''public charge'' with reference to taxpayer-funded assistance for which eligibility is based on need.

Mr. President, I believe that this definition is quite consistent with the general policy requiring self-sufficiency of immigrants. Programs should not be limited to cash programs. The noncash programs are also a serious burden on the taxpayers. If the immigrant uses such taxpayer-funded assistance, he or she is a public charge. How else should the term ''public charge'' be defined than someone who has received needs-based taxpayer-funded assistance? That person has not been self-sufficient, as the American people had a right to expect.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment No. 3809. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I announced that the Senator from Maine [Mr. COHEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—36

Akaka	Hatfield	Mikulski
Bingaman	Hollings	Moseley-Braun
Bradley	Inouye	Moynihan
Breaux	Jeffords	Murray
Chafee	Kennedy	Nunn
Daschle	Kerrey	Pell
Dodd	Kerry	Robb
Dorgan	Kohl	Rockefeller
Feingold	Lautenberg	Sarbanes
Glenn	Leahy	Simon
Graham	Levin	Wellstone
Harkin	Lieberman	Wyden

NAYS—63

Abraham	Bennett	Boxer
Ashcroft	Biden	Brown
Baucus	Bond	Bryan
Bumpers	Gorton	McConnell
Burns	Gramm	Murkowski
Byrd	Grams	Nickles
Campbell	Grassley	Pressler
Coats	Gregg	Pryor
Cochran	Hatch	Reid
Conrad	Heflin	Roth
Coverdell	Helms	Santorum
Craig	Hutchison	Shelby
D'Amato	Inhofe	Simpson
DeWine	Johnston	Smith
Dole	Kassebaum	Snowe
Domenici	Kempthorne	Specter
Exon	Kyl	Stevens
Faircloth	Lott	Thomas
Feinstein	Lugar	Thompson
Ford	Mack	Thurmond
Frist	McCain	Warner

NOT VOTING—1

Cohen

The amendment (No. 3809) was rejected.

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.

Mr. SIMPSON. Mr. President, there will not be a necessity for two more rollcall votes. Only one will be required.

AMENDMENT NO 3829

Mr. SIMPSON. Mr. President, it is my understanding that under the revised language the Department of Labor cannot initiate a compliance review, random or otherwise, on its own initiative.

If the Department of Labor receives credible, material information giving it reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the INA, or had failed to comply with the terms and conditions of such an application, then the Department of Labor may investigate that complaint, but only that complaint.

The credible, material information may come from any source outside the Department of Labor.

Mr. KENNEDY. That is correct.

Mr. SIMPSON. I urge the amendment be adopted.

Mr. KENNEDY. Mr. President, I hope we could have a voice vote on this amendment. We have adjusted the amendment to respond to some of the concerns.

Mr. SIMPSON. On behalf of our majority leader, I announce this will be the last vote this evening.

Mr. KENNEDY. Mr. President, all this amendment does is provide equal treatment for the temporary workers and the permanent workers in terms of the enforcement procedures. There has been a recent IG report outlining the difficulties and complexity. We have modified the amendment, and I would hope that it would be adopted.

The PRESIDING OFFICER. Without objection, the Senator's amendment is agreed to.

So the amendment (No. 3829) 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.

AMENDMENT NO. 3776

The PRESIDING OFFICER. The pending question is amendment No. 3776 offered by the Senator FEINSTEIN. The yeas and nays have been ordered, and there will be 2 minutes of debate equally divided.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, the present law states that deportation notices will be sent out in Spanish and English. The bill coming out of committee deletes this. So deportation notices would be sent out in English, essentially. There is no requirement in the law.

What we would do in this amendment is strike what is recommended and go back to present law, so that deportation notices are required to be sent out in Spanish and English. The reason is because the great majority of illegal immigrants penetrating across the Southwest border speak Spanish, and the overwhelming bulk of them do not speak English. Therefore, when they receive a deportation notice, they should be able to read it. So we would retain the language of present law.

Mr. SIMPSON. Mr. President, to require that all deportation notices be in Spanish, as well as in English, when many deportees do not speak Spanish but rather one of other scores of languages, and many Spanish speakers do understand English, I think makes little sense.

I think you have to remember that it is in the INS's interest to guarantee that the subject of a deportation order understands what it is. Therefore, today, all the INS does is provide translations, or translators, whenever necessary in any language, not just Spanish, but into whatever language is most appropriate. That is the essence. So that we remove the word ''shall.'' It is difficult to have someone delivered a deportation notice in English or Spanish when they are Chinese. There is no requirement for it. They will be taken care of by the INS through all types of deportation procedures, including translators.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3776 offered by Senator FEINSTEIN.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—42

Abraham	Breaux	D'Amato
Akaka	Bumpers	Daschle
Bingaman	Byrd	DeWine
Boxer	Conrad	Dodd

Domenici	Johnston	Murray
Feingold	Kennedy	Pell
Feinstein	Kerrey	Robb
Ford	Kerry	Rockefeller
Graham	Kohl	Sarbanes
Harkin	Lautenberg	Simon
Hatch	Lieberman	Snowe
Hollings	Mikulski	Thompson
Hutchison	Moseley-Braun	Wellstone
Inouye	Moynihan	Wyden

NAYS—57

Ashcroft	Frist	Mack
Baucus	Glenn	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Bradley	Grassley	Nunn
Brown	Gregg	Pressler
Bryan	Hatfield	Pryor
Burns	Heflin	Reid
Campbell	Helms	Roth
Chafee	Inhofe	Santorum
Coats	Jeffords	Shelby
Cochran	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Kyl	Specter
Dole	Leahy	Stevens
Dorgan	Levin	Thomas
Exon	Lott	Thurmond
Faircloth	Lugar	Warner

NOT VOTING—1

Cohen

So the amendment (No. 3776) was rejected.

Mr. DOLE. 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.

Mr. SIMPSON. Mr. President, I thank all of my colleagues, especially Senator KENNEDY, my fellow floor manager on that side of the aisle, for the extraordinary support and assistance today in moving the issue along.

Now I am going to propound a unanimous consent-request. I have shared this with my fellow manager so that we might move tomorrow to what I think will be a conclusion hopefully of this legislation, or at least a portion of it, a large portion of it.

I ask unanimous consent that the following amendments be the only remaining amendments in order prior to the vote on the Simpson amendment, as amended, provided that all provisions of rule XXII remain in order notwithstanding this agreement. And I hereby state the amendments: Abraham, Abraham, DeWine, Bradley, Graham, Graham, Graham, Graham—four Graham amendments—Leahy, Bryan, Harkin, three Simpson amendments, Chafee, Hutchison, DeWine again, Graham, Gramm of Texas, Senator Simon two, Senator Wellstone two, Senator Kennedy two, Reid, Robb, Feinstein No. 3777, Simpson No. 3853, and Simpson No. 3854.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. SIMPSON. Mr. President, I would ask approval of that agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I thank Senator SIMPSON and our other colleagues for their attention and for their cooperation during the day. We had several interruptions which were unavoidable. We had an opportunity to debate several matters.

It does look like a sizable group remain. As of yesterday, there were 156 amendments, so we have disposed probably of 6 or 8 and we are down to 28. So we are moving at least in the right direction. From my own knowledge from some of our colleagues, they have indicated a number of these are place holders.

We will have some very important measures to take up for debate tomorrow, and we will look forward to that and to a continuing effort to reach accommodation on the areas where we can and to let the Senate speak to the areas we cannot.

Mr. President, I thank my colleague and friend from Wyoming and all of our staffs. We will look forward to addressing these issues on tomorrow.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, for the leader, I have several unanimous-consent requests. I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

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

WARD VALLEY

Mr. PRESSLER. Mr. President, 16 years ago, we in Congress passed the Low-Level Radioactive Waste Policy Act. This bill gave the States the responsibility of developing permanent repositories for this Nation's low-level nuclear waste. Now the Clinton administration wants to take away that authority.

For 8 years, South Dakota, as a member of the Southwestern Compact, along with North Dakota, Arizona and California, has worked to fulfill its duty to license a storage site. It did the job.

Ward Valley, CA is the first low-level waste site to be licensed in the Nation. After countless scientific and environmental studies and tests, the State of California and the Nuclear Regulatory Commission approved Ward Valley as a safe and effective place to store the Southwestern Compact's low-level radioactive waste.

However, there is one problem. Ward Valley is Federal land. It is managed by the Bureau of Land Management.

The Southwestern Compact has requested that Ward Valley be transferred to the State of California. The Clinton administration refuses to take action. Instead, it has stalled—again, and again, and again.

First, the Secretary of the Interior ordered a Supplemental Environmental Impact Statement. Then, he ordered the National Academy of Sciences to perform a special report on the suitability of Ward Valley for waste storage. Each study presented the Southwestern Compact with a clean bill of health for Ward Valley. Yet, the administration still delays.

Now, the administration has ordered additional studies on the effects of tritium—studies the State of California already intended to perform, but not until the land transfer was complete. Also, I would note, the National Academy of Sciences made no mention that such studies should be a prerequisite to the land transfer.

Instead, the Academy believes that this type of study should be ongoing—conducted in conjunction with operation of the waste storage facility. Unfortunately, I suspect that even if California gives in to demands and performs these tests, the administration will just think up new demands—anything to keep the Ward Valley waste site from becoming reality.

So who benefits from these delays? No one. This is yet one more example of the Clinton administration's pandering to the environmental extremists—extremists intent on waging a war on the West.

Scientific evidence shows that Ward Valley is a safe location for low-level radioactive waste storage. Neither public health nor the environment will be at risk. In fact, most of the waste to be stored at Ward Valley is nothing more than hospital gloves and other supplies which may have come in contact with radioactive elements used by healthcare providers.

By contrast, continued delays creates risks—both to public health and the environment. Currently, low-level waste is simply stored on site—at hospitals, industries, or research institutions. In the four States of the Southwestern Compact, there are over 800 low-level radioactive waste sites. These sites were not meant to be permanent facilities. Thus, there have been no environmental studies, no long-term monitoring systems, nothing to guarantee safe storage of the waste.

With no regional low-level radioactive waste storage sites available, South Dakota is forced to transport its low-level radioactive waste across the country to a disposal facility in Barnwell, S.C.

Clearly, the costs of transporting this waste across the country are great—from the monetary cost to the waste generators, to the legal ramifications of transporting hazardous waste,

to the potential Superfund liability incurred by the State and the generators. This is far too costly a price—one my State can't continue to bear.

That is why, Mr. President, I am a cosponsor of legislation pending in the Senate to convey Ward Valley to the State of California, and to allow the construction of the Ward Valley low-level radioactive waste storage site to continue unimpeded. The Senate Energy and Natural Resources Committee voted in favor of this bill.

This legislation is ready for Senate action. This legislation is necessary only because politics got in the way of good science. Transferring land such as Ward Valley is a common procedure for the administration. However, because of a political fight waged by environmental extremists, this conveyance has been held up for more than 2 years. This fight, this continued delay, will continue unless Congress acts.

We have the opportunity to institute a rational approach to the process. By approving this legislation, we can allow the Southwestern Compact—and the rest of the States—to comply with the law we created. I urge my colleagues to support this legislation, and to allow good science to prevail, rather than politics.

Mr. President, I ask that correspondence between South Dakota Governor Janklow and Gov. Pete Wilson of California regarding the Ward Valley low-level radioactive waste storage site be printed in the RECORD.

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

STATE OF SOUTH DAKOTA,
Pierre, SD, April 2, 1996.

Hon. PETE WILSON,
Governor, State of California, State Capitol, Sacramento, CA.

DEAR GOVERNOR WILSON: Thank you for your letter concerning the Southwestern Low-Level Radioactive Waste Disposal Compact and the site of the facility in Ward Valley. While the site in Ward Valley is currently owned by the federal Bureau of Land Management, the bureau has for about 10 years declared its intent to sell to California.

I, too, am concerned and upset with the continuing needless delays imposed by the U.S. Department of the Interior on the Ward Valley land transfer. California has made tremendous efforts attempting to comply with the federal Low-Level Radioactive Waste Disposal Act and its Amendments. While these efforts have resulted in the issuance of the first license to construct a new low-level disposal site in this nation's recent history, implementation of this license has been set back again and again by the federal government. If these delays cause our generators within the Southwestern Compact to ship wastes across the United States to Barnwell, South Carolina for disposal, I fully agree that the federal government must comply with those stipulations you set forth in your letter.

Study after study has shown the proposed facility at Ward Valley to be protective of human health and environmentally safe. The U.S. Congress has it right the first time; the Southwestern Compact can solve the problem of disposal of the low-level radioactive wastes generated within its states. But, we can do it only if the federal government will transfer the site and let us get on with it.

While I agree that the latest actions of the U.S. Department of the Interior appear to confirm the notion that the Clinton Administration is trying to usurp the states' duly delegated power to regulate low-level waste disposal, I am still hoping the transfer can occur soon. If the delays by the Department of the Interior were to result in repeal of the Low-Level Radioactive Waste Disposal Act and place the responsibility for trying to manage this problem, in the federal government, that would be a huge step backwards.

Thank you again for your letter and for your efforts on behalf of the entire state of California and the other states in the Southwestern Compact to develop a responsible and safe disposal site for low-level waste.

Sincerely,

WILLIAM J. JANKLOW,
Governor.

SACRAMENTO, CA,
February 16, 1996.

Hon. WILLIAM J. JANKLOW,
Governor, State of South Dakota, Pierre, SD.

DEAR BILL: As the host state for the Southwestern Low-Level Radioactive Waste Disposal Compact, California has labored diligently for ten years to establish a regional disposal facility in accordance with the federal Low-Level Radioactive Waste (LLRW) Policy Act. This facility would serve generators of LLRW in you state and the other compact states. In the absence of this facility, these generators have no assured place to dispose of their LLRW.

To fulfil its obligations, California carefully screened the entire state for potential sites, evaluated candidates sites and selected Ward Valley from those candidates as the best site in California for the regional disposal facility. Although the site is on federal land, the Bureau of Land Management has for about ten years now declared its intent to sell it to California. We identified a qualified commercial operator to apply for a license to construct and operate a facility at that site, and took steps to acquire this land from the federal government. We subjected the application for the license to a scrupulous review to ensure that the facility would satisfy in every respect the health and safety requirement established the Nuclear Regulatory Commission.

A comprehensive Environmental Impact Report was prepared for the project, and an Environment Impact Statement (EIS) and Supplemental EIS were prepared for the land transfer. We subsequently became the first state to license a regional disposal facility under the LLRW Policy Act, and have successfully concluded our defense of that license and related environmental documents in the State courts. In short, California has in good faith has done all it can to fulfil its obligations to your state under the Compact and federal law.

The sole obstacle to the completion of this project is the failure of the U.S. Department of the Interior to transfer the Ward Valley site to California. After abruptly canceling the agreed-to transfer almost completed by former Secretary Manuel Lujan, Interior Secretary Babbitt has created a series of procedural delays ostensibly based upon his own health and safety concerns. He demanded a public hearing, then abruptly canceled it. He asked the National Academy of Sciences (NAS) to review site opponents' claims, then ignored NAS conclusions that these claims are unfounded and that the site is safe. He has unreasonably and unlawfully demanded that California agree to continued Department of the Interior oversight of the project after the transfer. Now, according to the attached press release, he intends to have the Department of Energy conduct independent testing at Ward Valley, and then will require another Supplemental EIS before deciding upon the conditions for transfer.

Every person and organization which has anxiously followed California's decade-long effort has concluded from this latest set of demands that the Clinton Administration has no intention of transferring land to California for our regional disposal facility. I cannot help but agree. There is no scientific basis for further testing prior to construction or legal requirement for a Supplemental EIS. These demands are purely political, and made for the sole purpose of delaying, if not terminating, the Ward Valley project. It is clear that, once these demands are met, more demands will be made. In short, because President Clinton doesn't trust the states to assume the obligations which Governor Clinton asked Congress to give the states, he has proven that the LLRW Policy Act does not work. Faced with this lack of political will to implement the policy he himself once supported, many now question the wisdom of expending further resources in a futile effort to further that policy.

The intransigence of the Clinton Administration in connection with the Ward Valley land transfer leaves me few options as Governor of California. The Ward Valley site is clearly the best site in California for LLRW disposal, a fact upon which my predecessor Governor Deukmejian and former President Bush agreed. All other sites, including the alternative site in the Silurian Valley, present potential threats to public safety not found at the Ward Valley site. The Silurian Valley site is also located on federal land, and there is no reason to believe that the Clinton Administration has any greater motivation to transfer that site.

Consequently, to continue the effort to establish a regional disposal facility, California would need to identify a site on privately-owned land which would be technically inferior to Ward Valley and would be unlikely to license in accordance with California's and my own uncompromisingly high standards for the protection of public health and safety. For these reasons, I would personally oppose identifying any other potential disposal site in California.

Therefore, as Governor of California, I am compelled to inform you that, because the Clinton Administration has made compliance with our obligations impossible, California will be unable to provide a regional disposal site for your state and the other states of the Compact during the tenure of this president. California will continue to seek title to the Ward Valley land, but will devote greater resources to a repeal of the LLRW Policy Act, and to the enactment of federal legislation making the federal government responsible for the disposal of LLRW.

The Department of the Interior has formally announced that California's LLRW generators are not harmed by its interference with the opening of the Ward Valley LLRW disposal facility because they have access to the disposal facility in Barnwell, South Carolina. Given the public safety threat to the good citizens of South Carolina, and the additional costs and exposure to liability to users, I find this suggestion questionable. Nevertheless, in order to make this an even marginally acceptable solution, I am calling upon the federal government to do all of the following:

Assume responsibility for assuring continued access for all California generators of LLRW to Barnwell;

Subsidize the amount of any transportation costs to Barnwell which exceed transportation costs to Ward Valley;

Ensure that California generators obtain any necessary permits for transportation across the United States and to Barnwell;

Indemnify California generators and transporters for any liability which might result from the necessity to transport California waste from coast to coast; and most importantly;

Hold California generators, including the University of California and other state entities, harmless from any federal or state cleanup related (Superfund or CERCLA) liability which they might potentially incur as a result of using a waste facility which is on a substantially less protective site than Ward Valley and which has already experienced tritium migration to groundwater.

If LLRW generators in your state have problems with storage or with use of Barnwell similar to those of California generators, I urge you to join with me in demanding similar relief.

Sincerely,

PETE WILSON.

WETLANDS AND THE NEW FARM BILL

Mr. GRASSLEY. Mr. President, I would like to enter into a colloquy with the Senator from Indiana, Senator LUGAR, who is the chairman of the Committee on Agriculture, Nutrition, and Forestry and who was a manager of the recent conference on H.R. 2854, the 1996 farm bill.

As the Senator from Indiana knows, we had a problem in Iowa in 1994 and 1995 with the Natural Resources Conservation Service delineating wetlands. It is my understanding that NRCS used aerial photography and soil surveys to review prior wetland delineations. In most cases, NRCS found additional wetland acreage on the farmland subject to this review.

This caused a lot of anxiety and uncertainty for these landowners. They had accepted the initial delineation, changed their farming practices accordingly and then, through no action of their own, received a new, more expansive delineation.

The Senator will recall that because of this situation I introduced a moratorium on new delineations until passage of the new farm bill. This moratorium passed the Senate by unanimous consent and was later accepted by the Department of Agriculture.

Mr. LUGAR. I would respond to my friend from Iowa that I am fully aware of the situation that he refers to in his State.

Mr. GRASSLEY. I am concerned that a change made to the Conference Report shortly before it was filed in the House may result in a similar situation occurring in the future. It is my understanding that the Conference Committee intended to give farmers certainty in dealing with wetlands. One way of accomplishing this goal was to allow prior delineations of wetlands to be changed only upon request of the farmer.

Mr. LUGAR. Mr. President, this is also my understanding.

Mr. GRASSLEY. After the conferees met, while the legislative language carrying out the various agreements was being finalized, the Department of Agriculture suggested a technical correction to this provision. Section 322 of the bill amends section 1222 of the 1985 farm bill to say that ''No person shall be adversely affected because of having taken an action based on a previous certified wetland delineation by the Secretary. The delineation shall not be subject to a subsequent wetland certification or delineation by the Secretary, unless requested by the person * * *.''

My concern is that this could read to allow the Department to change delineations that have not yet been certified. I don't argue with this, per se. I am sure there is a need for granting NRCS this authority in some specific situations.

But again, I do not want a repeat of this situation in Iowa in 1994 and 1995. Specifically, I do not want the NRCS to use this language to conduct a massive review of wetland delineations. This will just cause further uncertainty and confusion in the farm community. It can only lead to ill will between our farmers and the NRCS and should be avoided at all cost.

Under the able leadership of Chairman LUGAR, we have made some very positive changes in the 1996 farm bill that will lead to a more cooperative relationship between farmers and the NRCS. I hope this progress will not be undermined by the provision I mentioned.

Mr. LUGAR. Mr. President, we expect that the Department of Agriculture will be mindful of the need to balance the very legitimate concerns that the Senator from Iowa raises today with the desires of producers for certainty in the identification of wetlands. In addition, the rights of producers to appeal decisions should be protected. The Agriculture Committee will monitor developments as the Department develops regulations to carry out the provisions of the newly enacted farm bill, Public Law 104–127. I also encourage my colleague from Iowa and all concerned parties to contribute their input when the regulations are put out for comment.

In summary, while we realize that some administrative formalities will be necessary to give producers certainty regarding the boundaries of wetlands, we do not expect large-scale, wholesale reviews of existing wetland determinations as a result of the new legislation.

WHO NEEDS AMBASSADORS?

Mr. KENNEDY. Mr. President, Richard N. Gardner, the U.S. Ambassador to Spain, recently addressed the American Society of International Law on the subject, ''Who Needs Ambassadors?''

Ambassador Gardner, who served in the Department of State under President Kennedy, as Ambassador to Italy under President Carter, and now as President Clinton's Ambassador to Spain, is among the Nation's most highly regarded experts on international relations, and is uniquely qualified to answer this important question.

Ambassador Gardner is rightly concerned about the fervor of some to slash our already small foreign policy budget because of the simplistic view that the Nation's foreign policy requirements are less significant than during the cold war.

Ambassador Gardner emphasizes that our foreign policy before the cold war was ''trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world.'' He also reminds us that this is still the purpose of our foreign policy.

There is a tendency by some to suggest that there is a lesser need for a U.S. presence abroad, and that in an era of instantaneous information, a fax machine is all we need to conduct foreign policy. As Ambassador Gardner points out, however, our embassies serve many important functions, not least of which are to build bilateral and multilateral relationships for mutual benefit, serve as the eyes and ears of the President and the State Department, and carry out U.S. policy objectives abroad. As Ambassador Gardner notes: ''Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work.''

The foreign policy budget of this country is only about 1 percent of our total budget. Yet some in Congress propose to reduce it even further. As Ambassador Gardner states, further cuts ''will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs.''

Global interdependence is a fact of life. The United States foreign policy is best served by actively engaging with other nations, rather than reacting at greater cost to events we don't see coming because we are trying to conduct foreign policy on the cheap.

Mr. President, I believe that my colleagues will be interested in Ambassador Gardner's remarks and I ask unanimous consent that his address be printed in the RECORD.

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

WHO NEEDS AMBASSADORS?

(By Richard N. Gardner)

I was tremendously honored and pleased when Edith Weiss asked me to be the banquet speaker at this year's ASIL meeting.

Honored because I know how many illustrious statesmen and scholars have preceded me in this role. Pleased because your invitation gives me the chance to return from my diplomatic assignment in Madrid to be with many old friends, such as my Columbia Law School colleagues Oscar Schachter, Louis Henkin and Lori Damrosch, and with President Edie Weiss who took one of my seminars some twenty years ago when she came to Columbia Law School as a Visiting Scholar.

Edie, your Presidency of this Society is a splendid recognition of your achievements as teacher, public servant, and scholar. My congratulations also to Charles Brower, your

President-elect, one of the world's leading experts in international arbitration, whose service as Judge in the Iran-U.S. Claims Tribunal earned the admiration of us all.

This Society is now 90 years old. I came to my first annual meeting when the Society was just half its present age—in 1951, to be exact. I was in my third year at Yale Law School and had fallen under the hypnotic spell of Myres McDougal and Harold Lasswell. My exposure to them and to the other ''greats'' of your 1951 meeting persuaded me to make a career in international law. I have never regretted this decision.

Fourteen years after my first annual meeting, in 1965, you made me one of your two banquet speakers. The other banquet speaker was Secretary of State Dean Rusk. Louis Sohn was the Toastmaster and explained to me that I was on the program in case the Secretary of State didn't show up.

That did not in the least diminish my pleasure in being on that podium. I delivered a brief summary of what I'm sure was a rather too detailed lecture about U.N. decision-making procedure and power realities.

Secretary Rusk delivered his speech on Vietnam, which provoked a lively discussion period. I recall that one of the questions to the Secretary was about the possible role of fact-finding in the Vietnamese conflict. It was asked by a young international lawyer named Thomas Franck. At the end of the evening Secretary Rusk asked me: ''Who is that young man? I think he'll go far.''

When President Jimmy Carter appointed me U.S. ambassador to Italy, my son—then 13 years old—said, ''Dad, you mean you're going to be ambassador to Italy, and also get paid for it?'' Thanks to President Clinton, I'm now one of only three Americans in history who have been privileged to serve as ambassador in both Rome and Madrid. I feel very fortunate, indeed, to be in Madrid, although I'm also pleased that I am being paid for it.

But I also come to you as a deeply troubled ambassador. I am troubled by the lack of understanding in our country today about our foreign policy priorities and the vital role of our embassies in implementing them. I sometimes think that what our ambassadors and embassies do is one of our country's best kept secrets.

During the Cold War there was also confusion and ignorance, but at least there was bipartisan consensus on the need for American leadership in defending freedom in the world against Soviet aggression and the spread of totalitarian communism.

Much of my work as ambassador to Italy was dominated by this overriding priority. At a time when some Italian leaders were flirting with the compromesso storico—a government alliance between Christian Democrats and an Italian Communist Party still largely oriented toward Moscow—I was able to play a modest role in making sure the Italians understood why the United States opposed the entry of Communist parties into the governments of NATO allies.

When the Soviet Union began threatening Europe by deploying its SS–20 missiles, it was vitally important for NATO to respond by deploying the Pershing 2 and cruise missiles. It soon became clear that the deployment could not occur without a favorable decision by Italy. Our embassy in Rome was able to persuade an Italian Socialist Party with a history of hostility to NATO to do an about-face and vote for the cruise missile deployment in the Italian Parliament along with the Christian Democrats and the small non-communist lay parties.

Some years later Mikhail Gorbachev said it was the NATO decision to deploy the Pershing and cruise missiles—not the Strategic Defense Initiative as some have claimed—that helped bring him to the realization that his country had to move from a policy based on military threats to one of accommodation with the West.

So at the height of the Cold War, it did not take a genius to understand the need for strong U.S. leadership in the world and for effective ambassadors and embassies in support of that leadership.

Today, however, there is no single unifying threat to help justify and define a world role for the United States. As a result, we are witnessing devastating reductions in the State Department budget which covers the cost of our embassies overseas.

Hence the title of my speech tonight, ''Who Needs Ambassadors?'' I am sure this audience needs no lecture on the subject. But let's face it—the world view of the people in this room is not the world view of most Americans.

The constructive international engagement we all believe in will continue to be at risk until we all do a better job of explaining its financial requirements to the American people and the Congress.

Now that there is no longer a Soviet Union and a Communist threat, what is our foreign policy all about? And what is the current need for ambassadors and embassies?

We need to give simple and understandable answers to these questions, showing how foreign policy and diplomacy impact on the values, interests and daily lives of ordinary Americans. in giving my own answers tonight, I'll be saying many things you will find obvious. But as Adlai Stevenson once said: ''Mankind needs repetition of the obvious more than elucidation of the obscure.'' This is particularly true in this new world of complexity and unprecedented change.

A common refrain heard today is that American foreign policy lacks a single unifying goal and a coherent strategy for achieving it. But precisely because the post Cold War world is so complex, so rapidly evolving, and characterized by so many diverse threats to our interests, it is difficult to encapsulate in one sentence or one paragraph a definition of American foreign policy that has global application.

Perhaps we should start by recalling what our foreign policy was all about before there was a Cold War. It was about trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world. Well, that is still the purpose of our foreign policy today.

Presidents Franklin Roosevelt and Harry Truman, with broad bipartisan support from Republicans like Wendell Wilkie and Arthur Vandenberg, sought to implement these high purposes with a policy of practical internationalism, which I define as working with other countries in bilateral, regional and global institutions to advance common interests in peace, welfare and human rights.

Our postwar ''founding fathers'' in both political parties understood the importance of military power and the need to act alone if necessary in defense of U.S. interests. But they also gave us the United Nations, the Bretton Woods organizations, GATT, the Marshall Plan, NATO and the Point Four program as indispensable instruments for achieving our national purposes in close cooperation with others.

Why did they do these things?

Because they understood the growing interdependence between conditions in our country and conditions in our global neighborhood.

Because they understood that our best chance to shape the world environment to promote our national security and welfare was to share costs and risks with other nations in international institutions.

And because they understood that our national interest in the long run would best be served by realizing the benefits of reciprocity and stability only achievable through the development of international law.

Listening to much of our public debate, I sometimes think that all this history has been forgotten, that we are suffering from a kind of collective amnesia. I submit that the basic case for American world leadership today is essentially the same as it was before the Cold War began. It is a very different world, of course, but the fact of our interdependence remains. Obviously, in every major respect, it has grown.

In his address to Freedom House last October, President Clinton spelled out for Americans why a strong U.S. leadership role in the world is intimately related to the quality of their daily lives:

''The once bright line between domestic and foreign policy is blurring. If I could do anything to change the speech patterns of those of us in public life, I would almost like to stop hearing people talk about foreign policy and domestic policy, and instead start discussing economic policy, security policy, environmental policy—you name it.

''Our personal, family, and national security is affected by our policy on terrorism at home and abroad. Our personal, family and national prosperity is affected by our policy on market economics at home and abroad. Our personal, family and national future is affected by our policies on the environment at home and abroad. The common good at home is simply not separate from our efforts to advance the common good around the world. They must be one and the same if we are to be truly secure in the world of the 21st century.''

What are the specific foreign policy priorities in the Clinton Administration? In a recent speech at Harvard's Kennedy School, Secretary of State Warren Christopher identified three to which we are giving special emphasis—pursuing peace in regions of vital interest, confronting the new transnational security threats, and promoting open markets and prosperity.

The broad lines of American policy in these three priority areas are necessarily hammered out in Washington. But our embassies constitute an essential part of the delivery system through which those policies are implemented in particular regions and countries.

This includes not only such vital multilateral embassies as our missions to the UN in New York, Geneva and Vienna, and to NATO and the European Union in Brussels, but also our embassies in the more than 180 countries with which we maintain diplomatic relations.

Americans have fallen into the habit of thinking that ambassadors and embassies have become irrelevant luxuries, obsolete frills in an age of instant communications. We make the mistake of thinking that if a sound foreign policy decision is approved at the State Department or the White House, it does not much matter how it is carried out in the field.

This is a dangerous illusion indulged in by no other major country. Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work.

Ambassadors today need to perform multiple roles. They should be the ''eyes and ears'' of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government; resourceful negotiators in bilateral and multilateral diplomacy. They need to build personal relationships of mutual trust with key overseas decision-makers in government and the private sector. They should

also radiate American values as intellectual, educational and cultural emissaries, communicating what our country stands for to interest groups and intellectual leaders as well as to the public at large.

In a previous age of diplomacy, U.S. ambassadors spent most of their time dealing with bilateral issues between the United States and the host country. Bilateral issues are still important—assuring access to host country military bases, promoting sales of U.S. products, stimulating educational and cultural exchanges are some notable examples. And every embassy has the obligation to report on and analyze political and economic developments in the host country that may impact on U.S. interests.

But most of the work of our ambassadors and embassies today is devoted to regional and global issues—indeed, to acting upon the three key priorities identified by Secretary Christopher in his Kennedy School speech. Let me give you some examples based on my experience in Madrid and with my fellow ambassadors in Europe:

On the first priority: pursuing peace in regions of vital interest:

We are working with our host countries to fashion common policies on the continued transformation of NATO, Partnership for Peace, NATO enlargement, and NATO-Russia relations.

After having secured host country support for the military and diplomatic measures that brought an end to the fighting in Bosnia, we are now working to assure the implementation of the civilian side of the Dayton Agreement, notably economic reconstruction, free elections, the resettlement of refugees, and the prosecution of war crimes.

We are working with host governments to restore momentum to the endangered Middle East peace process by mobilizing international action against the Hamas terrorists and their supporters, providing technical assistance and economic aid to the Palestinian authority, encouraging the vital Syrian-Israeli negotiations, and promoting regional Middle East economic development.

We have been consulting with key European governments such as Spain as well as with the EU Commission in Brussels on how to achieve a peaceful transition to democracy in Cuba.

Although they share this common objective, the Europeans generally oppose the U.S. embargo and the Helms-Burton legislation, while doing nothing to limit investment in Cuba by their citizens. Our embassies are increasingly busy trying to promote allied unity on measures that will increase the pressure on Castro to end his repressive regime.

On the second priority: confronting the new transnational threat:

Having worked successfully with our host governments for the unconditional and indefinite extension of the Non-Proliferation Treaty—a major diplomatic achievement—we are focusing now on building support for a Comprehensive Test Ban Agreement, on keeping weapons of mass destruction out of the hands of countries Like Iran, Iraq and Libya, and on securing needed European financial contributions for the Korean Energy Development Organization, an essential vehicle for terminating North Korea's nuclear weapons program.

We are working to strengthen bilateral and multilateral arrangements to assure the identification, extradition and prosecution of persons engaged in drug trafficking, organized crime, terrorism and alien smuggling, and we are building European support for new institutions to train law enforcement officers in former Communist countries, such as the International Law Enforcement Academy in Budapest.

And we are giving a new priority in our diplomacy to the protection of the global environment, coordinating our negotiating positions and assistance programs on such issues as population, climate change, ozone depletion, desertification, and marine pollution. For we have learned that environmental initiatives can be vitally important to our goals of prosperity and security: negotiations on water resources are central to the Middle East peace process, and a Haiti denuded of its forests will have a hard time supporting a stable democracy and keeping its people from flooding our shores.

On the third priority: promoting open markets and prosperity:

Having worked with out host countries to bring a successful conclusion to the Uruguay Round, we are now busily engaged in discussing left-over questions like market access for audiovisuals, telecommunications, and bio-engineered foods, and new issues like trade and labor standards, trade and environment, and trade and competition policy.

We are also encouraging the enlargement of the European Union to Central and Eastern Europe and we are reporting carefully on the prospects of the European Monetary Union by the target date of 1999 and on the implications of an EMU for U.S. interests.

You can see from this still incomplete catalogue of our activities that our embassies in Europe are in a very real sense global embassies engaged on global as well as on bilateral and regional problems. You might even say we are busy carrying out the foreign policy of the president and the Secretary of State from ''platform Europe.''

In carrying out this rich global foreign policy agenda we will be greatly assisted by the agreement that was reached in Madrid last December between President Clinton, Prime Minister Felipe Gonzalez and President Jacques Santer of the European Commission on the ''New Transatlantic Agenda'' and its accompanying ''U.S.-EU Action Plan.''

These documents were a major achievement of Spain's EU presidency. They represent an historic breakthrough in U.S. relations with the European Union, moving those relations beyond consultation to common action on almost all of the foreign policy questions I cited earlier and many others I have no time to mention.

A senior-level group from the United States, the European Commission and the EU Presidency country (currently Italy) is responsible for monitoring progress on this large agenda and modifying it as necessary.

Just as our embassy in Madrid had a special role in U.S.-EU diplomacy during Spain's EU Presidency, Embassy Rome now has special responsibilities. The action will pass to Embassy Dublin when Ireland takes the EU presidency in the second half of the year.

The Madrid documents commit the U.S. and the EU to building a new ''Transatlantic Marketplace.'' We have agreed to undertake a study on the reduction or elimination of tariffs and non-tariff barriers between the two sides of the Atlantic. Even as the study proceeds, we will be looking at things that can be done rather promptly, such as eliminating investment restrictions, duplicative testing and certification requirement, and conflicting regulations. This means more work not only in Brussels and Washington but in each of our embassies.

We will also be following closely the EU's Intergovernmental Conference (IGC) that is now opening in Turin. The common foreign and security policy provided for in the Maastricht Treaty is still a work in progress. Although the EU provides substantial economic aid and takes important regional trade initiatives, it has so far proved unable to deal with urgent security crises like those in the former Yugoslavia and the Aegean.

The IGC offers an opportunity to revise EU institutions and procedures so that a common foreign and security policy can be made to work in an EU whose membership could grow from 15 to 27 in the decade ahead. We hope that opportunity will be seized.

What changes the IGC should make in the Maastricht Treaty is exclusively for the EU countries to decide, but the United States is not indifferent to the outcome. We believe our interests are served by continuing progress toward European political as well as economic unity, which will make Europe a more effective partner for the United States in world affairs.

I have tried to provide a sense of what U.S. foreign policy is all about in 1996, especially in Europe, and of the critical role that ambassadors and embassies play. I have chosen examples from Europe both because Europe plays a global role and because Europe is currently my vantage point, but you would undoubtedly learn about a rich menu of activity from my ambassadorial colleagues in other key regions of the world if they were here with us tonight.

The question that remains to be answered is whether the American people and the Congress are willing to provide the financial resources to make all this activity possible. The politics of our national budget situation has ominous implications for our foreign policy in general and our international diplomacy in particular.

Let us begin with some very round numbers. We have a Gross Domestic Product of about $7 trillion and a federal budget of about $1.6 trillion. Nearly $1.1 trillion of that $1.6 trillion goes to mandatory payments—the so-called entitlement programs such as Medicare, Medicaid, and social security and also federal pensions and interest on the national debt. The remaining $500 billion divides about equally between the defense budget and civilian discretionary spending—which account for some $250 billion each.

Of the $250 billion of civilian discretionary spending, about $20 billion used to be devoted on the average of years to international affairs—the so-called 150 account. This account includes our assessed and voluntary payments to the UN, our bilateral aid and contributions to the international financial institutions, the U.S. Information Agency's broadcasting and educational exchange programs, and the State Department budget.

Congressional spending cuts have now brought the international affairs account down to about $17 billion annually—about 1 percent of our total budget. Taking inflation into account, this $17 billion is nearly a 50 percent reduction in real terms from the level of a decade ago. For Fiscal Year 1997, the Congressional leadership proposes a cut to $15.7 billion. Its 7-year plan to balance the budget would bring international affairs spending down to $12.5 billion a year by 2002.

Keep in mind that about $5 billion of the 150 account goes to Israel and Egypt—rightly so, in my opinion, because of the priority we accord to Middle East peace. So under the Congressional balanced budget scenario only $7.5 billion would be left four years from now for all of our other international spending.

These actual and prospective cuts in our international affairs account are devastating. Among other things, they mean:

That we cannot pay our legally owing dues to the United Nations system, thus severely undermining the world organization's work for peace and compromising our efforts for UN reform.

That we cannot pay our fair share of voluntary contributions to UN agencies and international financial institutions to assist the world's poor and promote free markets, economic growth, environmental protection and population stabilization;

That we must drastically cut back the reach of the Voice of America and the size of our Fulbright and International Visitor programs, all of them important vehicles for influencing foreign opinion about the United States;

That we will have insufficient funds to respond to aid requirements in Bosnia, Haiti, the Middle East, the former Communist countries and in any new crises where our national interests are at stake;

That we will have fewer and smaller offices to respond to the 2 million requests we receive each year for assistance to Americans overseas and to safeguard our borders through the visa process.

And that we will be unable to maintain a world-class diplomatic establishment as the delivery vehicle for our foreign policy.

A final word on this critical last point. The money which Congress makes available to maintain the State Department and our overseas embassies and consulates is now down to about $2.5 billion a year. As the international affairs account continues to go down, we face the prospect of further cuts. The budget crunch has been exacerbated by the need to find money to pay for our new embassies in the newly independent countries of the former Soviet Union.

In our major European embassies, we have already reduced State Department positions by 25 percent since Fiscal Year 1995. We have been told to prepare for cuts of 40 percent or more from the 1995 base over the next two or three years.

In our Madrid embassy, to take an example, this will leave us with something like three political and three economic officers besides the ambassador and deputy chief of mission to perform our essential daily diplomatic work of advocacy, representation and reporting in the broad range of vitally important areas I have enumerated. Our other embassies face similarly devastating reductions.

I have to tell you that cuts of this magnitude will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs. They will also have detrimental consequences for our intelligence capabilities since embassy reporting is the critical overt components of U.S. intelligence collection. In expressing these concerns I believe I am representing the views of the overwhelming majority of our career and non-career ambassadors.

I know this conclusion will be greeted with incredulity by people who see hundreds of people in each of our major embassies overseas. What is not generally realized is that 80 percent of more of these people are from agencies other than the State Department. They are from the Department of Defense, Commerce and Agriculture, the Drug Enforcement Administration and the FBI, the IRS and the Social Security Administration, and so forth. And most of the 20 percent that is the reduced State Department component of the embassies is performing either consular work or administrative tasks in support of the largely non-State diplomatic mission.

Do not misunderstand me. The non-State component of an embassy is very important to our overseas interests. But the agendas of the non-State agencies are narrow and specialized. As the State Department component is slashed in relation to other agencies, it inevitably eviscerates our core diplomatic mission and diminishes the capacity of an ambassador to direct and coordinate the varied elements of his embassy in pursuit of a coherent foreign policy. Moreover, the drastic reduction in foreign service positions discourages the entry of talented young people and forces the selection out of many senior officers with experience and skills we can ill afford to lose.

Under the pressure of Congressional budget cuts, the State Department is eliminating 13 diplomatic posts, including consulates in such important European cities as Stuttgart, Zurich, Bilbao and Bordeaux. The Bordeaux Consulate dated back to the time of George Washington. Try explaining to the French that we cannot afford a consulate there now when we were able to afford one then when we were a nation of 3 million people.

The consulates I have mentioned not only provided important services to American residents and tourists, they were political lookout posts, export promotion platforms, and centers for interaction with regional leaders in a Europe where regions are assuming growing importance. Now they will all be gone.

Closing the 13 posts is estimated to save about $9 million a year, one quarter of the cost of an F–16 fighter plane. Bilbao, for example, cost $200,000 a year. A B–2 bomber costs about $2,000 million. I remind you that $2 billion pays nearly all the salaries and expenses of running the State Department—including our foreign embassies—for a year.

Let us be clear about what is going on. The commendable desire to balance our national budget, the acute allergy of the American people to tax increases (indeed, their desire for tax reductions), the explosion of entitlement costs with our aging population, and the need to maintain a strong national defense, all combine to force a drastic curtailment of the civilian discretionary spending which is the principal public vehicle for domestic and international investments essential to our country's future.

Having no effective constituency, spending on international affairs is taking a particularly severe hit within the civilian discretionary account and with it the money needed for our diplomatic establishment. The President and the Secretary of State are doing their best to correct this state of affairs, but they will need greater support from the Congress and the general public than has been manifest so far if this problem is to be properly resolved.

I submit that it will not be resolved until there is a recognition that the international affairs budget is in a very real sense a national security budget—because diplomacy is our first line of national defense. The failure to build solid international relationships and treat the causes of conflict today will surely mean costly military interventions tomorrow.

As a unique fraternity of international lawyers you know all this. I'm restating the obvious tonight because what is obvious to us does not seem obvious to our body politic. And let's not forget that you can't advance the cause of international law without international diplomacy.

Along with other constituencies adversely affected by the hollowing out of our foreign affairs capability—businessmen, arms controllers, environmentalists, citizen groups concerned about human rights, disease, poverty, crime, drugs and terrorism—you must make your voices heard in the Congress and the mass media.

I close this lugubrious discourse with a story. Danielle and I recently invited two bright third graders from the American School of Madrid to be overnight guests in our residence. During dinner Danielle asked one of them, a precocious little boy of 8, if he knew what ambassadors do.

The little boy looked puzzled for a moment, then smiled and said, ''Save the world.''

As you can imagine, I was pleased by that answer. But then the little boy thought some more and asked: ''Just how do you save the world?''

I don't claim that ambassadors save the world. But until our country can answer the question ''Who needs ambassadors?''—and who needs embassies—we will be heading for big trouble.

MESSAGES FROM THE HOUSE

At 6:01 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 joint resolution, without amendment:

S.J. Res. 53. Joint resolution making corrections to Public Law 104–134.

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–2361. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the annual report of the Inspector General for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2362. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–2363. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2364. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report on the budget summary for International Narcotics Control Program for fiscal year 1996; to the Committee on the Judiciary.

EC–2365. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC–2366. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC–2367. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–2369. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2370. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the report of the audit for fiscal year 1995; to the Committee on the Judiciary.

EC–2371. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report on the Montgomery GI Bill for fiscal year 1995; to the Committee on Veterans' Affairs.

EC–2372. A communication from the Chief of the Drug and Chemical Evaluation Section of the Drug Enforcement Administration, Department of Justice, transmitting,

pursuant to law, a notice of final rule regarding Manufacturer Reporting; to the Committee on the Judiciary.

EC–2373. A communication from the Director of Communications and Legislative Affairs of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–2374. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Low-Income Home Energy Assistance Act; to the Committee on Labor and Human Resources.

EC–2375. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Developmental Disabilities Assistance and Bill of Rights Act for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–2376. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on the notice of final funding priorities for Jacob K. Javits Gifted and Talented Students Education Program; to the Committee on Labor and Human Resources.

EC–2377. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Challenge Grants for Technology in Education; to the Committee on Labor and Human Resources.

EC–2378. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on the notice of final funding priorities for Fund for the Improvement of Education Program; to the Committee on Labor and Human Resources.

EC–2379. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Consortium Incentive Grants for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–2380. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Vending Facility Program for the Blind on Federal and Other Property; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. SPECTER, from the Select Committee on Intelligence, without amendment:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability system, and for other purposes (Rept. No. 104–258).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was reported on April 30, 1996:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 103–21 Treaty Convention on Conventional Weapons.

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the ''Convention'' (contained in Treaty Document 103–21), subject to the conditions of subsection (b) and the declarations of subsection (c):

(1) The Annex on Chemicals.

(2) The Annex on Implementation and Verification (also known as the ''Verification Annex'').

(3) The Annex on the Protection of Confidential Information (also known as the ''Confidentiality Annex'').

(4) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(5) The Text on the Establishment of a Preparatory Commission.

(b) CONDITIONS.—The advice and consent of the Senate to the ratification of the Convention is subject to the following conditions, which shall be binding upon the President:

(1) AMENDMENT CONFERENCES.—The United States will be present and participate fully in all Amendment Conferences and will cast its vote, either affirmatively or negatively, on all proposed amendments made at such conferences, to ensure that—

(A) the United States has an opportunity to consider any and all amendments in accordance with its Constitutional processes; and

(B) no amendment to the Convention enters into force without the approval of the United States.

(2) PRESIDENTIAL CERTIFICATION ON DATA DECLARATIONS.—(A) Not later than 10 days after the Convention enters into force, or not later than 10 days after the deposit of the Russian instrument of ratification of the Convention, whichever is later, the President shall either—

(i) certify to the Senate that Russia has complied satisfactorily with the data declaration requirements of the Wyoming Memorandum of Understanding; or

(ii) submit to the Senate a report on apparent discrepancies in Russia's data under the Wyoming Memorandum of Understanding and the results of any bilateral discussions regarding those discrepancies.

(B) For purposes of this paragraph, the term ''Wyoming Memorandum of Understanding'' means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989,

(3) PRESIDENTIAL CERTIFICATION ON THE BILATERAL DESTRUCTION AGREEMENT.—Before the deposit of the United States instrument of ratification of the Convention, the President shall certify in writing to the Senate that—

(A) a United States-Russian agreement on implementation of the Bilateral Destruction Agreement has been or will shortly be concluded, and that the verification procedures under that agreement will meet or exceed those mandated by the Convention, or

(B) the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons will be prepared, when the Convention enters into force, to submit a plan for meeting the Organization's full monitoring responsibilities that will include United States and Russian facilities as well as those of other parties to the Convention.

(4) NONCOMPLIANCE.—If the President determines that a party to the Convention is in violation of the Convention and that the actions of such party threaten the national security interests of the United States, the President shall—

(A) consult with, and promptly submit a report to, the Senate detailing the effect of such actions on the Convention;

(B) seek on an urgent basis a meeting at the highest diplomatic level with the Organization for the Prohibition of Chemical Weapons (in this resolution referred to as the ''Organization'') and the noncompliant party with the objective of bringing the noncompliant party into compliance;

(C) in the event that a party to the Convention is determined not to be in compliance with the Convention, request consultations with the Organization on whether to—

(i) restrict or suspend the noncompliant party's rights and privileges under the Convention until the party complies with its obligations;

(ii) recommend collective measures in conformity with international law; or

(iii) bring the issue to the attention of the United Nations General Assembly and Security Council; and

(D) in the event that noncompliance continues, determine whether or not continued adherence to the Convention is in the national security interests of the United States and so inform the Senate.

(5) FINANCING IMPLEMENTATION.—The United States understands that in order to ensure the commitment of Russia to destroy its chemical stockpiles, in the event that Russia ratifies the Convention, Russia must maintain a substantial stake in financing the implementation of the Convention. The costs of implementing the Convention should be borne by all parties to the Convention. The deposit of the United States instrument of ratification of the Convention shall not be contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia or any other party to the Convention.

(6) IMPLEMENTATION ARRANGEMENTS.—If the Convention does not enter into force or if the Convention comes into force with the United States having ratified the Convention but with Russia having taken no action to ratify or accede to the Convention, then the President shall, if he plans to implement reductions of United States chemical forces as a matter of national policy or in a manner consistent with the Convention—

(A) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(B) take no action to reduce the United States chemical stockpile at a pace faster than that currently planned and consistent with the Convention until the President submits to the Senate his determination that such reductions are in the national security interests of the United States.

(7) PRESIDENTIAL CERTIFICATION AND REPORT ON NATIONAL TECHNICAL MEANS.—Not later than 90 days after the deposit of the United States instrument of ratification of the Convention, the President shall certify that the United States National Technical Means and the provisions of the Convention on verification of compliance, when viewed together, are sufficient to ensure effective verification of compliance with the provisions of the Convention. This certification shall be accompanied by a report, which may

be supplemented by a classified annex, indicating how the United States National Technical Means, including collection, processing and analytic resources, will be marshalled, together with the Convention's verification provisions, to ensure effective verification of compliance. Such certification and report shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(c) DECLARATIONS.—The advice and consent of the Senate to ratification of the Convention is subject to the following declarations, which express the intent of the Senate:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988. For purposes of this declaration, the term ''INF Treaty'' refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(2) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

(3) RETALIATORY POLICY.—The Senate declares that the United States should strongly reiterate its retaliatory policy that the use of chemical weapons against United States military forces or civilians would result in an overwhelming and devastating response, which may include the whole range of available weaponry.

(4) CHEMICAL DEFENSE PROGRAM.—The Senate declares that ratification of the Convention will not obviate the need for a robust, adequately funded chemical defense program, together with improved national intelligence capabilities in the nonproliferation area, maintenance of an effective deterrent through capable conventional forces, trade-enabling export controls, and other capabilities. In giving its advice and consent to ratification of the Convention, the Senate does so with full appreciation that the entry into force of the Convention enhances the responsibility of the Senate to ensure that the United States continues an effective and adequately funded chemical defense program. The Senate further declares that the United States should continue to develop theater missile defense to intercept ballistic missiles that might carry chemical weapons and should enhance defenses of the United States Armed Forces against the use of chemical weapons in the field.

(5) ENFORCEMENT POLICY.—The Senate urges the President to pursue compliance questions under the Convention vigorously and to seek international sanctions if a party to the Convention does not comply with the Convention, including the ''obligation to make every reasonable effort to demonstrate its compliance with this Convention'', pursuant to paragraph 11 of Article IX. It should not be necessary to prove the noncompliance of a party to the Convention before the United States raises issues bilaterally or in appropriate international fora and takes appropriate actions.

(6) APPROVAL OF INSPECTORS.—The Senate expects that the United States will exercise its right to reject a proposed inspector or inspection assistant when the facts indicate that this person is likely to seek information to which the inspection team is not entitled or to mishandle information that the team obtains.

(7) ASSISTANCE TO RUSSIA.—The Senate declares that, if the United States provides limited financial assistance for the destruction of Russian chemical weapons, the United States should, in exchange for such assistance, require Russia to destroy its chemical weapons stocks at a proportional rate to the destruction of United States chemical weapons stocks, and to take the action before the Convention deadline. In addition, the Senate urges the President to request Russia to allow inspections of former military facilities that have been converted to commercial production, given the possibility that these plants could one day be reconverted to military use, and that any United States assistance for the destruction of the Russian chemical stockpile be apportioned according to Russia's openness to these broad based inspections.

(8) EXPANDING CHEMICAL ARSENALS IN COUNTRIES NOT PARTY TO THE CHEMICAL WEAPONS CONVENTION.—It is the sense of the Senate that, if during the time the Convention remains in force the President determines that there has been an expansion of the chemical weapons arsenals of any country not a party to the Convention so as to jeopardize the supreme national interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the Convention remains in the national interest of the United States.

(9) COMPLIANCE.—Concerned by the clear pattern of Soviet noncompliance with arms control agreements and continued cases of noncompliance by Russia, the Senate declares the following:

(A) The Convention is in the interest of the United States only if the both the United States and Russia, among others, are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply.

(B)(i) Given its concern about compliance issues, the Senate expects the President to offer regular briefings, but not less than several times a year, to the Committees on Foreign Relations and Armed Services and the Select Committee on Intelligence of the Senate on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in diplomatic channels and bilateral as well as the multilateral Organization fora to resolve the compliance issues and shall include, but would not necessarily be limited to a description of—

(I) any compliance issues, other than those requiring challenge inspections, that the United States plans to raise with the Organization; and

(II) any compliance issues raised at the Organization, within 30 days.

(ii) Any Presidential determination that Russia is in noncompliance with the Convention shall be transmitted to the committees specified in clause (i) within 30 days of such a determination, together with a written report, including an unclassified summary, explaining why it is in the national security interests of the United States to continue as a party to the Convention.

(10) SUBMISSION OF FUTURE AGREEMENTS AS TREATIES.—The Senate declares that after the Senate gives its advice and consent to ratification of the Convention, any agreement or understanding which in any material way modifies, amends, or reinterprets United States and Russian obligations, or those of any other country, under the Convention, including the time frame for implementation of the Convention, should be submitted to the Senate for its advice and consent to ratification.

(11) RIOT CONTROL AGENTS.—(A) The Senate, recognizing that the Convention's prohibition on the use of riot control agents as a ''method of warfare'' precludes the use of such agents against combatants, including use for humanitarian purposes where combatants and noncombatants intermingled, urges the President—

(i) to give high priority to continuing efforts to develop effective nonchemical, nonlethal alternatives to riot control agents for use in situations where combatants and noncombatants are intermingled; and

(ii) to ensure that the United States actively participates with other parties to the Convention in any reassessment of the appropriateness of the prohibition as it might apply to such situations as the rescue of downed air crews and passengers and escaping prisoners or in situations in which civilians are being used to mask or screen attacks.

(B) For purposes of this paragraph, the term ''riot control agents'' is used within the meaning of Article II(4) of the Convention.

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. AKAKA:

S. 1717. A bill for the relief of Dona H. Shibata; to the Committee on Armed Services.

By Mr. SPECTER:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. MCCONNELL, Mr. NICKLES, Mr. MURKOWSKI, and Mr. HATCH):

S. Res. 253. A resolution urging the detention and extradition to the United States by the appropriate foreign government of Mohammed Abbas for the murder of Leon Klinghoffer; considered and agreed to.

ADDITIONAL COSPONSORS

S. 386

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-free treatment of education savings accounts established through certain State programs, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. WYDEN] 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. 1271

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1397

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Kansas [Mrs. KASSEBAUM] 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 Maryland [Ms. MIKULSKI] and the Senator from Massachusetts [Mr. KENNEDY] 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. 1624

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1628

At the request of Mr. BROWN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

AMENDMENT NO. 3738

At the request of Mr. ABRAHAM, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of amendment No. 3738 intended to be 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.

AMENDMENT NO. 3760

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 3760 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.

AMENDMENT NO. 3865

At the request of Mr. REID, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of amendment No. 3865 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 RESOLUTION 253—RELATIVE TO THE MURDER OF LEON KLINGHOFFER

Mr. D'AMATO (for himself, Mr. DOLE, Mr. MCCONNELL, Mr. NICKLES, Mr. MURKOWSKI, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 253

Whereas, Mohammed Abbas, alias Abu Abbas, was convicted by a Genoan Court in June 1986 and sentenced to life in prison, in absentia, for ''kidnapping for terrorist ends that caused the killing of a person' for his role in the death of an American citizen, Leon Klinghoffer;

Whereas, a report from the Italian magistrate who tried the case against Abbas stated that the evidence was ''multiple, unequivocal, and overwhelming'' and that his actions in training and financing for this operation, and in choosing the target, as well as in planning the escape, made Abbas guilty of the murder;

Whereas, a warrant for Abbas' arrest was unsealed in October 1985 charging him with hijacking, and a bounty of $250,000 was offered for his arrest;

Whereas, the Justice Department felt that it did not have the evidence to convict him, and citing the conviction, albeit in absentia by the Italian authorities, canceled the warrant for his arrest in January 1988;

Whereas, at an April 1996 meeting of the Palestine National Council in Gaza, Abbas described the killing as ''a mistake'' and that Mr. Klinghoffer was killed because he ''had started to incite the passengers against [the kidnappers]'';

Now, Therefore, be it *Resolved,* That it is the sense of the Senate that the Attorney General should seek, from the appropriate foreign government, the detention and extradition to the United States of Mohammed Abbas (also known as Abu Abbas) for the murder of Leon Klinghoffer in October 1985 during the hijacking of the vessel *Achille Lauro.*

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

FEINSTEIN AMENDMENT NO. 3867

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her 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:

AMENDMENT NO. 3867

Beginning on page 99, strike line 10 and all that follows through line 13.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3868

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3868

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108 CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

FEINSTEIN AMENDMENTS NOS. 3869–3870

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3869

On page 198, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General, in consultation with the Secretary of State, shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

AMENDMENT NO. 3870

Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1),

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term ''appropriate court'' means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SIMPSON AMENDMENT NO. 3871

Mr. SIMPSON proposed an amendment to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

Section 204(a) is amended to read as follows:

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

WELLSTONE AMENDMENT NO. 3872

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special

guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

SNOWE AMENDMENTS NOS. 3873–3874

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3873

At the appropriate place, insert the following:

SEC. . REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and federal governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the U.S. government can take to help end harassment by Canadian Customs agents found to have occurred.

AMENDMENT NO. 3874

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11% New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to U.S. businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7% tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the U.S.-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the U.S. Trade Representative (USTR) publicly stated an attention to seek redress from the discriminatory application of the PST under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States violates the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on U.S.-Canada cross-border trade.

GRAHAM AMENDMENTS NOS. 3875–3880

(Ordered to lie on the table.)

Mr. GRAHAM submitted six amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3875

Beginning on page 198, strike line 5 and all that follows through line 5 on page 202.

AMENDMENT NO. 3876

On page 177 in the matter proposed to be inserted, beginning on line 9 strike all that follows through line 4 on page 178.

AMENDMENT NO. 3877

Beginning on page 188, strike line 11 and all that follows through line 2 on page 192.

AMENDMENT NO. 3878

Beginning on page 192, strike line 3 and all that follows through line 4 on page 198.

AMENDMENT NO. 3879

Beginning on page 177, line 9 strike all through page 211 line 9 and insert the following.

SUBTITLE C—EFFECTIVE DATES

SEC. 197. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

SUBTITLE A—RECEIPT OF CERTAIN GOVERNMENT BENEFITS

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis, counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or

local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizens or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit as defined in section 201(f)(3) but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section *change* 201(f)(3) not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 201(f)(3) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such terms.

In the case of an individual who is an active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) has income tax liability for the tax year of which the period was part.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—

(1) LIMITATION.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

''(F) IDENTIFICATION NUMBER REQUIREMENT .—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

''(i) such individual's taxpayer identification number, and

''(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.''.

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).''.

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) in amended—

(1) by striking ''and'' at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

''Sec. 506. Seals of departments or agencies

''(a) Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

''(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined under this title, or imprisoned not more than 5 years, or both.

''(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

''(1) so forged, counterfeited, mutilated, or altered;

''(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

''(c) For purposes of this section—

''(1) the term 'Federal benefit' means—

''(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

''(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

''(2) the term 'unlawful alien' means an individual who is not—

''(A) a United States citizen or national;

''(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

''(C) an alien granted asylum under section 208 of such Act;

''(D) a refugee admitted under section 207 of such Act;

''(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

''(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

''(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.''.

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting ''; and''; and

(3) by adding after paragraph (62) the following new paragraph:

''(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.''.

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking ''plus'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; plus''; and

(3) by adding at the end the following new paragraph:

''(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

AMENDMENT NO. 3880

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinations described in subsection (b) shall be made, and if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

GRAHAM (AND OTHERS) AMENDMENT NO. 3881

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. DOLE, Mr. MACK, Mr. BRADLEY, Mr. HELMS, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Northwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

GRAHAM AMENDMENT NO. 3882

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Strike on page 211, line 1 through line 9, and insert:

''(C) The Secretary shall conduct an assessment of immigration trends, current funding practices, and needs for assistance. Particular attention should be paid to the funds toward the counties impacted by the arrival of Cuban and Haitian individuals to determine whether there is a continued need for assistance to such counties. If the Secretary determines, after the assessment of subparagraph (C), that no compelling need exists in the counties impacted by the arrival of Cuban and Haitian entrants, all grants, except that for the Targeted Assistance Ten Percent Discretionary Program, made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

GRAHAM (AND SPECTER) AMENDMENT NO. 3883

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following:

for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help; technical assistance grants under the Housing Act of 1949; and

(16) Site loans under the Housing Act of 1949;

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

GRAHAM AMENDMENTS NOS. 3884–3893

(Ordered to lie on the table.)

Mr. GRAHAM submitted 10 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3884

On page 190, beginning on line 9, strike all through page 201, line 4, and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit.

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2000 or more than $5000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the

alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien received assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3885

On page 201, strike lines 1 through 4 and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3886

On page 190, strike line 9 through line 25 and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

AMENDMENT NO. 3887

On page 186 line 24 through page 188 line 23, strike everything and insert the following after the word ''been.''

withheld under section 243 (h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugees Education Assistance Act of 1980).

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by an agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 124(a)(5) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, if the alien is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980) or if the cause of the alien's becoming a public charge—

AMENDMENT NO. 3888

On page 181, beginning on line 19, strike all through page 182, line 2.

AMENDMENT NO. 3889

On page 201, between lines 4 and 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—The requirements of subsection (a) shall not apply in the case of any service provided under title XIX of the Social Security Act to an alien lawfully admitted to the United States before the date of the enactment of this Act.

AMENDMENT NO. 3890

On page 201, line 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3891

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); or

(B) in the case of an eligible alien (as defined in section 201(f)(1))—

(i) any emergency medical service under title XIX of the Social Security Act; or

(ii) any public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of serious communicable disease, for testing and treatment of such diseases.

AMENDMENT NO. 3892

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) in patient hospital services provided by a disproportionate share hospital for which an adjustment in payment to a State under the medicaid program is made in accordance with section 1923 of the Social Security Act.

AMENDMENT NO. 3893

On page 301, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) medicaid services provided under title XIX of the Social Security Act;

(C) public health assistance for immunizations and testing and treatment services to prevent the spread of communicable diseases.

(D) material and child health services block grants under the title V of the Social Security Act:

(E) services and assistance provided under titles III, VII, and VIII of the Public Health Service Act;

(F) preventive health and health services block grants under title XIX of the Public Health Service Act;

(G) migrant health center grants under the Public Health Service Act; and

(H) community health center grants under the Public Health Service Act.

REID AMENDMENTS NOS. 3894–3895

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3894

At the appropriate place insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and inserting ''(a) IN GENERAL.—Before'', and

(2) by adding at the end the following new subsection:

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of the enactment of this Act.

AMENDMENT NO. 3895

At the appropriate place in the bill, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State of local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended—

(A) by inserting after ''political opinion' the first place it appears: ''or because the person has been threatened with an act of female genital mutilation'';

(B) by inserting after ''political opinion'' the second place it appears the following: '', or who has been threatened with an act of female genital mutilation'';

(C) by inserting after ''political opinion'' the third place it appears the following: ''or who ordered, threatened, or participated in the performance of female genital mutilation''; and

(D) by adding at the end the following new sentence: ''The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.''.

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after ''political opinion'' the following: ''or would be threatened with an act of female genital mutilation''.

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

BRADLEY AMENDMENTS NOS. 3896–3898

(Ordered to lie on the table.)

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3896

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. ENFORCEMENT OF EMPLOYER SANCTIONS.

(a) ESTABLISHMENT OF NEW OFFICE.—There shall be in the Immigration and Naturalization Service of the Department of Justice an Office for the Enforcement of Employer Sanctions (in this section referred to as the ''Office'').

(b) FUNCTIONS.—The functions of the Office established under subsection (a) shall be—

(1) to investigate and prosecute violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)); and

(2) to educate employers on the requirements of the law and in other ways as necessary to prevent employment discrimination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $100,000,000 to carry out the functions of the Office established under subsection (a).

AMENDMENT NO. 3897

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. INVESTIGATORS OF UNLAWFUL EMPLOYMENT ACTIVITIES.

Of the number of investigators authorized by section 102(a) of this Act, not less than 150 full-time active-duty investigators in each such fiscal year shall perform only the functions of investigating and prosecuting violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)).

AMENDMENT NO. 3898

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. OFFICE FOR EMPLOYER SANCTIONS.

(a) ESTABLISHMENT; FUNCTIONS.—There is established within the Department of Justice an Office for Employer Sanctions charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act;

(2) assisting employers in complying with those laws; and

(3) coordinating other functions related to the enforcement under this Act of employer sanctions.

(b) COMPOSITION.—The members of the Office shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The Office shall report annually to the Attorney General on its operations.

GRAHAM AMENDMENTS NOS. 3899–3902

(Ordered to lie on the table.)

Mr. GRAHAM submitted four amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3899

Beginning on page 210, strike line 22 and all that follows through line 9 on page 211.

AMENDMENT NO. 3900

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—the requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) medicare cost-sharing provided to a qualified medicare beneficiary (as such terms are defined under section 1905(p) of the Social Security Act).

AMENDMENT NO. 3901

On page 180, lines 13 and 14, strike ''serious''.

AMENDMENT NO. 3902

Strike page 180, line 15, through 181 line 9, and insert:

treatment for such diseases,

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; and

(viii) in the case of nonimmigrant migrant workers and their dependents, Head Start programs under the Head Start Act (42 U.S.C. 9831 et. seq.) and other educational, housing and health assistance being provided to such class of aliens as of the date of enactment of this Act, or

GRAMM AMENDMENTS NOS. 3903–3904

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3903

At the end, insert the following:

SEC. . DEVELOPMENT OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD.

(a) DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security (hereafter in this section referred to as the ''Commissioner'') shall, in accordance with this section, develop a counterfeit-resistant social security card. Such card shall—

(1) be made of a durable, tamper-resistant material such as plastic or polyester,

(2) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(3) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(b) PROCEDURES FOR ISSUANCE.—The Commissioner shall make a social security card of the type described in subsection (a) available, at cost, to any individual requesting such a card to replace a card previously issued to such individual.

(c) COUNTERFEIT-RESISTANT CARD VOLUNTARY FOR INDIVIDUALS.—The Commissioner may not require any individual to obtain a social security card of the type described in subsection (a).

AMENDMENT NO. 3904

At the end, insert the following:

''SEC. —. FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the federal government approximately $12,000,000.

(5) The cost to the federal government of hiring new criminal investigators and other personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendation of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the U.S. Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a redeployment of Border Patrol agents at interior stations would not be cost-effective and is unnecessary in view of plans to nearly double the number of Border Patrol agents over the next five years; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

LEAHY (AND OTHERS) AMENDMENT NO. 3905

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DEWINE, and Mr. HATFIELD) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill, add the following:

TITLE III—MISCELLANOUS PROVISIONS

SEC. 301. (a) Notwithstanding any other provision of this Act, sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

(b) Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105(f) is repealed.

(c) The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a)(6)(C) or (7).

''(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

''(6) A special exclusion order enter in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding or deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion

order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

(d) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking ''Subject to section 235(b)(1), deportation'' and inserting ''Deportation''; and

(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) the item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

LEAHY AMENDMENTS NOS. 3906–3910

(Ordered to lie on the table.)

Mr. LEAHY submitted five amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3906

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Notwithstanding any other provision of this Act, the Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

''(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

''(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exits and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

AMENDMENT NO. 3907

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. Notwithstanding any other provision of this Act, Sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

AMENDMENT NO. 3908

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

(2) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking ''Subject to section 234(b)(1), deportation'' and inserting ''Deportation''; and

(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(b)(1) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

(2) Section 235(d) (8 U.S.C. 1225d) is repealed.

(3) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

(c) Section 241(d)(8 U.S.C. 1251d) is repealed.

AMENDMENT NO. 3909

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f) is repealed.

AMENDMENT NO. 3910

At the end of the bill add: The language on page 180, line 6 and all that follows through page 201, line 4, of the Dole amendment is deemed to read:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

(v) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vi) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

''(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

''(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

''(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

''(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

''(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

''(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

''(i) The aid to families with dependent children program under title IV of the Social Security Act.

''(ii) The medicaid program under title XIX of the Social Security Act.

''(iii) The food stamp program under the Food Stamp Act of 1977.

''(iv) The supplemental security income program under title XVI of the Social Security Act.

''(v) Any State general assistance program.

''(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.''.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in clause (iv) or (vi) of section 201(a)(1)(A).

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3911

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 210, line 1, after ''medical assistance'' insert the following: ''(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)''.

HUTCHISON AMENDMENT NO. 3912

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. .—The Immigration and Naturalization Service shall, when redeploying Border patrol personnel from interior stations, coordinate with and act in conjunction with state and local law enforcement agencies to ensure that such redeployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

WELLSTONE AMENDMENTS NOS. 3913–3914

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3913

At the end of the bill, add the following:

TITLE III: MISCELLANEOUS PROVISIONS

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(A) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer.

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

AMENDMENT NO. 3914

At the end of the bill, add the following:

SEC. . WAIVER OF APPLICATION FEES FOR ADJUSTMENT OF STATUS OF CERTAIN BATTERED ALIENS.

Notwithstanding any other provision of this Act, section 245(i)(1) remains in effect and is further amended as follows:

(1) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting ''(A)'' immediately after ''(i)(1)''; and

(4) by adding at the end the following:

''(B)(i) The Attorney General may waive the sum specified in subparagraph (A) in the case of an alien who has been battered or subjected to extreme cruelty by a spouse, parent, or member of the spouse or parent's family residing in the same household as the alien (if the spouse or parent consented to or acquiesced to such battery or cruelty) when such waiver would enhance the safety of the alien or the alien's child.

''(ii) An alien shall not be excludable under section 212(a)(4) as a public charge on the grounds that the alien requested or received a waiver under this subparagraph.''.

KERRY AMENDMENT NO. 3915

(Ordered to lie on the table.)

Mr. KERRY 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. . DEBARMENT OF FEDERAL CONTRACTORS NOT IN COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT EMPLOYMENT PROVISIONS.

(a) POLICY.—It is the policy of the United States that—

(1) the heads of executive agencies in procuring goods and services should not contract with an employer that has not complied with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) (hereafter in this section referred to as the ''INA employment provisions''), which prohibit unlawful employment of aliens; and

(2) the Attorney General should fully and aggressively enforce the antidiscrimination

provisions of the Immigration and Nationality Act.

(b) ENFORCEMENT.—

(1) AUTHORITY.—

(A) IN GENERAL.—Using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General may conduct such investigations as are necessary to determine whether a contractor or an organizational unit of a contractor is not complying with the INA employment provisions.

(B) COMPLAINTS AND HEARINGS.—The Attorney General—

(i) shall receive and may investigate any complaint by an employee of any such entity that alleges noncompliance by such entity with the INA employment provisions; and

(ii) in conducting the investigation, shall hold such hearings as are necessary to determine whether that entity is not in compliance with the INA employment provisions.

(2) ACTIONS ON DETERMINATIONS OF NONCOMPLIANCE.—

(A) ATTORNEY GENERAL.—Whenever the Attorney General determines that a contractor or an organizational unit of a contractor is not in compliance with the INA employment provisions, the Attorney General shall transmit that determination to the head of each executive agency that contracts with the contractor and the heads of other executive agencies that the Attorney General determines it appropriate to notify.

(B) HEAD OF CONTRACTING AGENCY.—Upon receipt of the determination, the head of a contracting executive agency shall consider the contractor or an organizational unit of the contractor for debarment, and shall take such other action as may be appropriate, in accordance with applicable procedures and standards set forth in the Federal Acquisition Regulation.

(C) NONREVIEWABILITY OF DETERMINATION.—The Attorney General's determination is not reviewable in debarment proceedings.

(c) DEBARMENT.—

(1) AUTHORITY.—The head of an executive agency may debar a contractor or an organizational unit of a contractor on the basis of a determination of the Attorney General that is not in compliance with the INA employment provisions.

(2) SCOPE.—The scope of the debarment generally should be limited to those organizational units of a contractor that the Attorney General determines are not in compliance with the INA employment provisions.

(3) PERIOD.—The period of a debarment under this subsection shall be one year, except that the head of the executive agency may extend the debarment for additional periods of one year each if, using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General determines that the organizational unit of the contractor concerned continues not to comply with the INA employment provisions.

(4) LISTING.—The Administrator of General Services shall list each debarred contractor and each debarred organizational unit of a contractor on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs that is maintained by the Administrator. No debarred contractor and no debarred organizational unit of a contractor shall be eligible to participate in any procurement, nor in any nonprocurement activities, of the Federal Government.

(d) REGULATIONS AND ORDERS.—

(1) ATTORNEY GENERAL.—

(A) AUTHORITY.—The Attorney General may prescribe such regulations and issue such orders as the Attorney General considers necessary to carry out the responsibilities of the Attorney General under this section.

(B) CONSULTATION.—In proposing regulations or orders that affect the executive agencies, the Attorney General shall consult with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of any other executive agencies that the Attorney General considers appropriate.

(2) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to the extent necessary to provide for implementation of the debarment responsibility and other related responsibilities assigned to heads of executive agencies under this section.

(e) INTERAGENCY COOPERATION.—The head of each executive agency shall cooperate with, and provide such information and assistance to, the Attorney General as is necessary for the Attorney General to perform the duties of the Attorney General under this section.

(f) DELEGATION.—The Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive agency may delegate the performance of any of the functions or duties of that official under this section to any officer or employee of the executive agency under the jurisdiction of that official.

(g) IMPLEMENTATION NOT TO BURDEN PROCUREMENT PROCESS EXCESSIVELY.—This section shall be implemented in a manner that least burdens the procurement process of the Federal Government.

(h) CONSTRUCTION.—

(1) ANTIDISCRIMINATION.—Nothing in this section relieves employers of the obligation to avoid unfair immigration-related employment practices as required by—

(A) the antidiscrimination provisions of section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), including the provisions of subsection (a)(6) of that section concerning the treatment of certain documentary practices as unfair immigration-related employment practices; and

(B) all other antidiscrimination requirements of applicable law.

(2) CONTRACT TERMS.—This section neither authorizes nor requires any additional certification provision, clause, or requirement to be included in any contract or contract solicitation.

(3) NO NEW RIGHTS AND BENEFITS.—This section may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, including any department or agency, officer, or employee of the United States.

(4) JUDICIAL REVIEW.—This section does not preclude judicial review of a final agency decision in accordance with chapter 7 of title 5, United States Code.

(i) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) CONTRACTOR.—The term ''contractor'' means any individual or other legal entity that—

(A) directly or indirectly (through an affiliate or otherwise), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Federal Government contract, including a contract for carriage under Federal Government or commercial bills of lading, or a subcontract under a Federal Government contract; or

(B) conducts business, or reasonably may be expected to conduct business, with the Federal Government as an agent or representative of another contractor.

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3916

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill add the following:

The language on page 210, line 1, after ''medical assistance'' is deemed to have inserted the following: ''(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)''.

KENNEDY AMENDMENTS NOS. 3917–3942

(Ordered to lie on the table.)

Mr. KENNEDY submitted 26 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3917

At the end of the bill insert:

SEC. .

(a) IN GENERAL.—Notwithstanding section 117 of this Act, paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Notwithstanding section 117 of this Act, Section 274B(d) (8) U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine,

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Notwithstanding section 117 of this Act, Section 274(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3918

On page 37 of the bill, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b)(d)) is amended by adding at the end the following new paragraph.

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENTS ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine, the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3919

At the end of the bill insert:

SEC. . Notwithstanding section 117 of this Act, section 274 of the Immigration and Nationalization Act shall remain in effect.

AMENDMENT NO. 3920

On page 37 of the matter proposed to be inserted, beginning on line 9, strike all through line 19.

AMENDMENT NO. 3921

At the end of the bill insert:

SEC. . Notwithstanding any provision of this Act, no program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, shall be subject to the deeming provisions of this Act.

AMENDMENT NO. 3922

On page 181, line 9, strike ''or'' and insert ''and

''(vii) any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965; or''.

AMENDMENT NO. 3923

At the end of the bill insert:

SEC. . Notwithstanding any provisions of this Act, the public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under title IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3924

At the end of the bill insert:

SEC. . EDUCATION ASSISTANCE.—The public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3925

At the end of the bill insert:

SEC. . CERTAIN FEDERAL PROGRAMS.—Notwithstanding the provisions of this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provisions of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles, III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3926

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3927

At the end of the bill insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3928

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3929

At the end insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3930

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3931

At the end of the bill insert:

SEC. .

(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding this Act, for purposes of this Act, the term ''public charge'' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).

AMENDMENT NO. 3932

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding an program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).''

AMENDMENT NO. 3933

At the end insert:

SEC. . (E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in this Act, for purposes of this Act, the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).

AMENDMENT NO. 3934

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).''.

AMENDMENT NO. 3935

At the end of the bill insert:

SEC. . LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the subparagraphs listed in section 201 shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3936

On page 182, strike lines 22 and 23, and insert the following:

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the following subparagraphs shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3937

At the end of the bill, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES FOR PREGNANCY-RELATED SERVICES TO UNDOCUMENTED ALIENS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k), the following new subsection:

''(l) Notwithstanding any other provision of law, for any fiscal year, not more than $120,000,000 may be paid under this title for reimbursement of services described in section 201(a)(1)(A)(ii) of the Immigration Control and Financial Responsibility Act of 1996 that are provided to individuals described in section 201(a)(4)(A) of such Act.''.

AMENDMENT NO. 3938

At the end of the bill insert the following new section:

SEC. . LIMITATION ON EXPENDITURES UNDER THE MEDICAID PROGRAM FOR PREGNANCY-RELATED SERVICES PROVIDED TO UNDOCUMENTED ALIENS.

Beginning with fiscal year 1997 and each fiscal year thereafter, with respect to payments for expenditures for services described in section 201(a)(1)(A)(ii) that are provided to individuals described in section 201(a)(4)(A)—

(1) the Federal Government has no obligation to provide payment with respect to such expenditures in excess of $120,000,000 during any such fiscal year and nothing in section 201(a)(1)(A)(ii), section 201(a)(4)(A), or title XIX of the Social Security Act shall be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of such services; and

(2) a State shall provide an entitlement to any person to receive any service, payment, or other benefit to the extent that such person would, but for this section, be entitled to such service, payment, or other benefit under title XIX of the Social Security Act.

AMENDMENT NO. 3939

At the end of the bill insert:

The provision of section 201 of this Act shall not apply to any preschool, elementary, secondary, or adult educational benefit.

AMENDMENT NO. 3940

On page 182, line 2 of the matter proposed to be inserted, insert the following new sentence: ''The preceding sentence shall not apply to any preschool, elementary, secondary, or adult educational benefit.''

AMENDMENT NO. 3941

At the end of the bill insert:

''SEC. . LIMITATION.—Not more than 150 of the number of investigators authorized in section 105 of this Act shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

AMENDMENT NO. 3942

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

SIMPSON AMENDMENTS NOS. 3943–3945

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3943

Section 201(a)(1) is amended—

(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly.

AMENDMENT NO. 3944

Section 201(a)(1) is amended—

(2) by deleting paragraph (4).

AMENDMENT NO. 3945

Section 201(a)(1) is amended—

(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly; and

(2) by deleting paragraph (4).

KENNEDY AMENDMENTS NOS. 3946–3947

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3946

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;''.

AMENDMENT NO. 3947

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;''.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss the Food Quality Protection Act. The hearing will be held on Wednesday, May 22, 1996 at 9:30 a.m. in SR–332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following times, Tuesday, April 30, 1996, for mark up of the fiscal year 1997 Defense authorization bill.

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

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 Tuesday, April 30, 1996 session of the Senate for the purpose of conducting a hearing on S. 1420, the International Dolphin Conservation Program Act.

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 Tuesday, April 30, 1996, at 10 a.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 10 a.m. to hold a hearing on California and affirmative action.

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 for a hearing on affirmative action, during the session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m.

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 Tuesday, April 30, 1996, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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 Tuesday, April 30, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, be permitted to meet during a session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m., to hold a hearing on Aviation Safety: Are FAA Inspectors Adequately Trained, Targeted, and Supervised?

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

ADDITIONAL STATEMENTS

RECOGNITION OF THE TAHOMA HIGH SCHOOL, WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION TEAM

● Mr. GORTON. Mr. President, I would like to extend my congratulations to the We the People * * * The Citizen and the Constitution team from Tahoma High School, and welcome these outstanding students to Washington, DC. As winners of the Washington State competition, the students from Tahoma High are here in Washington, DC to compete in the national ''We the People'' competition.

The We the People * * * The Citizen and the Constitution program focuses on the U.S. Constitution and Bill of Rights and fosters civic competence and responsibility among elementary and secondary school students in both public and private schools. The students from Tahoma High School should be commended for their diligence and the knowledge they have demonstrated of the fundamental principles and values of our constitutional democracy. I certainly wish them well in the national competition.●

WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION PROGRAM

● Mr. SIMON. Mr. President, over the past few days, more than 1,250 students from 50 States and the District of Columbia have been in Washington to compete in the national finals of the We the People * * * the Citizen and the Constitution Program. I am pleased to honor the advanced placement government class from Maine South High School in Park Ridge, IL, for representing Illinois and finishing in the top 10 in the national finals.

The distinguished members of the team are: Jeni Aris, Laura Batt, Stephanie Chen, Wesley Crampton, Sarah Crawford, Bryan Dayton, Vic De Martino, Bill Doukas, Jonathan Dudlak, Thomas Falk, Graham Fisher, Mark Iwaszko, Jessica Jakubanis, Hellin Jang, Chris Kiepura, Denise Knipp, Antoine Mickiewicz, Timmy Paschke, Gregory Reuhs, Kate Rowland, Chris Ryan, Brian Shields, Tracy Stankiewicz, Laurie Strotman, Tom Tsilipetros, Erica Vassilos, Walter Walczak, Cyrus Wilson, Kara Wipf, and Brian Wolfe.

I would also like to recognize Patton Feichter, their outstanding teacher, who can be credited with much of the team's success. The district coordinator, Alice Horstman, and the State coordinator, Carolyn Pereira, also devoted a great deal of time and were integral to the team's achievement.

The We the People * * * the Citizen and the Constitution Program is the

Nation's most comprehensive educational program, developed specifically to educate youth about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the ability to apply constitutional principles to both historical and contemporary issues.

Administered by the Center for Civic Education, the We the People * * * Program, now in its ninth academic year, has reached more than 70,400 teachers and 22.6 million students nationwide. Congressional members and staff enhance the program by discussing current constitutional issues with students and teachers.

This extraordinary program is an excellent way for students to gain first-hand knowledge of the U.S. Constitution and assess its impact on both history and our lives. I commend these students and wish them success in their future endeavors.●

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES WEEK

● Mr. THOMPSON. Mr. President, on February 1 of this year, the Governor of Tennessee, the Honorable Don Sundquist, signed a proclamation stating that April 14–20, 1996, would be known in Tennessee as National Association of Retired Federal Employees Week.

April 19 of this year marked the first anniversary of the bombing of the Federal building in Oklahoma City. A number of members from the Tennessee chapter of the National Association of Retired Federal Employees faithfully volunteered their time and energy to help the victims and the community of Oklahoma following this tragic event. This spirit of contribution continues to distinguish civil servants, retired and employed.

It gives me great pleasure at this time to request of my colleagues to have printed in the RECORD a proclamation by the Governor of my State of Tennessee, the Honorable Don Sundquist.

The proclamation follows:

A PROCLAMATION BY THE GOVERNOR OF THE STATE OF TENNESSEE

Whereas, the United States Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the United States Civil Service System; and

Whereas, the United States Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas, virtually every state, county, and municipal civil service system has developed from the Civil Service Act; and

Whereas, untold thousands of United States Civil Service employees have worked diligently, patriotically, silently, and with little notice to uphold the highest traditions and ideals of our country; and

Whereas, thousands of Federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and state;

Now therefore, I, Don Sundquist, Governor of the State of Tennessee, do hereby proclaim the week of April 14–20, 1966, as National Association of Retired Federal Employees Week in Tennessee and do urge all our citizens to join in this worthy observance.●

DR. LOREN BENSLEY

● Mr. LEVIN. Mr. President, I rise today to honor Dr. Loren Bensley who is retiring from Central Michigan University after 33 years of dedicated service.

Dr. Bensley is a Michigander who has made the State proud. He received his bachelor's degree from Central Michigan University in 1958, and returned 4 years later as a member of the department of health education and health science.

Dr. Bensley leaves his profession as an internationally recognized scholar in the field of health education. He has published over 60 articles and given more than 100 presentations during his tenure. He has also served as president of the American School Health Association. Dr. Bensley has been recognized twice by CMU for his excellence and has received 32 awards from various professional organizations for his leadership.

Dr. Bensley served as chapter adviser to the Eta chapter of Eta Sigma Gamma, the national health science honorary organization. Under his guidance, the chapter won the National Chapter of the Year Award 10 times.

After the end of the current semester, Dr. Bensley and his wife, Joy, will retire to their farm in Northport, MI. I know that my Senate colleagues join me in congratulating Dr. Bensley on his many years of service.

TRIBUTE TO JUDGE RONALD DAVIES

● Mr. CONRAD. Mr. President, in recent weeks we have mourned the passage of two great Americans, former Senator and Secretary of State Edmund Muskie, and Secretary of Commerce Ronald Brown.

However, little note was given to the passage of another man whose contribution to America's history and future may rival those of the better known men mentioned above.

I refer to Judge Ronald Davies, who died in Fargo, ND, April 18.

Appointed to the Federal bench in 1955 by President Eisenhower, Judge Davies served the Federal judicial district of North Dakota for 35 years. But his career will be remembered most by a decision he handed down nearly four decades ago.

In September 1957, Judge Davies was called to Arkansas to make a difficult ruling—one that has changed America forever. Mr. President, on September 7, 1957, Judge Ronald Davies of North Dakota ordered the immediate integration of the Little Rock, AR school system.

What followed that ruling was, and is, history. Many angry white residents of Little Rock, incited by anti-integrationists such as Gov. Orville Faubus, opposed the order and kept their children home from school. They vowed to keep African-American children out of the all-white high school—by violent force, if necessary. President Eisenhower responded by ordering Federal troops to Arkansas to keep order and escort the nine young African-American students to Little Rock's Central High School.

That decision, Mr. President, by a North Dakota judge in an Arkansas courtroom, began a new era of race relations in America. No longer were separate but equal schools—which were always separate but seldom equal—good enough in America. All citizens were entitled to equal treatment under the law, and that included an equal opportunity in public education.

Today, Mr. President, race relations in this country are far from ideal. However, few of us can imagine a return to the legalized segregation that existed before Judge Davies made his ruling in 1957.

Judge Davies was buried Monday, April 22, in Fargo. North Dakota lost a man of courage and conviction. America lost a piece of its history.

To the 5 children and 20 grandchildren he leaves behind, I send my deepest condolences, and our country sends her thanks.●

THE OMNIBUS APPROPRIATIONS BILL

● Mr. KERREY. Mr. President, last week we voted on an omnibus bill that completed our long-delayed work on fiscal year 1996 appropriations. This legislation's arduous and agonizing history defies belief—particularly since all sides claim to be committed to reducing the Federal deficit and balancing the Federal budget.

However, I want to point out two egregious provisions in this legislation. They particularly disturb me because I share my colleagues' interest in balancing the budget. These provisions also trouble me because they will increase Medicaid spending—and therefore crowd out discretionary programs within this year's spending bill and in the future. Under the mantle of fiscal conservatism—the premise of this appropriations bill—we are providing additional Federal dollars to States that have won political favor. We are spending hard-earned tax dollars in these States, but will not see an improvement in their health systems nor any other public good that will benefit American taxpayers. Although Republicans claim that they want to control Federal spending, the reality does not live up to their rhetoric.

The omnibus appropriations bill includes State-specific provisions that permit two States—States that blatantly abused Federal matching rules in the past—to draw excessive Federal Medicaid payments. According to a host of independent analyses, the disproportionate share hospital [DSH]

schemes used by these States and others nearly single handedly created double-digit increases in Federal Medicaid spending in the early 1990's. Congress shut down these schemes in 1991 and 1993 by creating State-specific and hospital-specific limits on DSH payments. However, through Republican maneuvering under this omnibus bill, two States that relied on these schemes will once again disproportionately benefit from the Federal Treasury.

First, New Hampshire will receive Federal matching payments for the disproportionate share hospital payments it made last year to a State-owned psychiatric hospital, even though these payments violate the hospital-specific limits enacted in 1993. The Department of Health and Human Services has deferred making Federal matching payments because these DSH payments normally would not be allowable under Medicaid matching rules. The omnibus appropriations bill would allow New Hampshire to receive matching payments up to $54 million, whether these payments are allowable or not.

In addition, although the majority intended to provide a fix only for New Hampshire, other States may also qualify under this provision.

Second, Louisiana will receive a guaranteed Federal payment of $2.6 billion—even though it will not be putting up the State dollars necessary to claim these matching payments. This provision, in essence, provides Louisiana with a higher Federal matching rate than allowed under current law, simply because Louisiana is unwilling or unable to commit sufficient State funds to support its existing Medicaid Program. Louisiana also used DSH scams to draw enormous Federal Medicaid payments and is now facing a budget shortfall under current, tighter rules. CBO initially estimated that this fix will cost the Federal Government an additional $900 million through 1999. Late-breaking negotiations have shortened the time-frame and lessened the Federal cost in the out-years. However, increased spending still will not be offset because the increase occurs later than fiscal year 1996.

In 1991 and 1993 Congress chose to close down some States' creative bookkeeping schemes and construct reasonable limits to the disproportionate share hospital program. These appropriations provisions will undermine those important protections for the Federal Treasury. If congressional Republicans were serious about limiting Federal spending, they would have refused to include these give-aways in this appropriations agreement. Instead, Congress will provide additional funding with no additional gain to American taxpayers.

The Republican Governors say that they can control Medicaid spending themselves—and they have clamored for Federal block grants to do so. Yet the Republican Governors in these two States sought these exceptions to Medicaid law. These legislative fixes signal that the Republican Governors in these States cannot even live within existing limits that control only one aspect of the Medicaid Program. If Medicaid block grants were to be enacted, we should expect a deluge of formula fixes in the future.●

RELIEF OF NATHAN C. VANCE

Mr. GRASSLEY. Further, for our leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 383, S. 966.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 966) for the relief of Nathan C. Vance.

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. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed and the motion to reconsider be laid upon 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.

So the bill (S. 966) was deemed to have been read the third time, and passed, as follows:

S. 966

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

SECTION 1. PAYMENT TO NATHAN C. VANCE.

(a) PAYMENT.—Subject to subsections (b) and (c), the Secretary of Agriculture shall pay $4,850.00 to Nathan C. Vance of Wyoming for fire loss arising out of the Mink Area Fire in and around Yellowstone National Park in 1988.

(b) SOURCE OF FUNDS.—The Secretary of the Treasury shall pay the amount specified in subsection (a) from amounts made available under section 1304 of title 31, United States Code.

(c) CONDITION OF PAYMENT.—The payment made pursuant to subsection (a) shall be in full satisfaction of the claim of Nathan C. Vance against the United States, for fire loss arising out of the Mink Area Fire, that was received by the Forest Service in August 1990.

AMERICAN FOREIGN SERVICE DAY

Mr. GRASSLEY. Also, for our leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 381, Senate Resolution 217.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 217) to designate the first Friday in May, 1996 as ''American Foreign Service Day.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 217) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 217

Whereas the American Foreign Service was established in 1924 and some 11,600 men and women now serve with the foreign affairs agencies of the United States at home and abroad;

Whereas the diplomatic, consular, communications, trade, development, and numerous other functions these men and women perform constitute the first and most cost-effective line of defense of our Nation by protecting and promoting United States interests abroad;

Whereas the men and women of the American Foreign Service are increasingly exposed to risks and danger to themselves and their families, even in times of peace, and many have died in the service of their country;

Whereas in this uncertain post-Cold War era, an ever-vigilant American Foreign Service remains essential to the strategic, political, and economic well-being of this Nation by strengthening the United States' relations with other countries and promoting a safer, more peaceful world.

Whereas the United States Government's foreign affairs agencies and the American Foreign Service Association have observed Foreign Service Day on the first Friday in May for many years; and

Whereas it is both appropriate and just for the country as a whole to recognize the dedication of the men and women of the American Foreign Service and to honor those who have given their lives in the loyal pursuit of their duties and responsibilities representing the interests of the United States of America and of its citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commend the men and women who have served or are presently serving in the American Foreign Service for their dedicated and important service to country;

(2) honor those in the American Foreign Service who have given their lives in the line of duty; and

(3) designate the first Friday in May 1996 as ''American Foreign Service Day''.

The President is authorized and requested to issue a proclamation calling upon the people of the United States and the Federal, State, and local administrators to observe the day with the appropriate programs, ceremonies, and activities.

ORDERS FOR WEDNESDAY, MAY 1, 1996

Mr. GRASSLEY. Also, Mr. President, for our leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Wednesday, May 1; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed of, the morning hour be deemed

to have expired, and there then be a period for morning business with Senator LUGAR to be recognized for up to 45 minutes. I further ask that immediately following Senator LUGAR's statement the Senate resume consideration of the immigration bill.

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

PROGRAM

Mr. GRASSLEY. Mr. President, the Senate will tomorrow resume consideration of S. 1664. That is the immigration bill. That will be tomorrow morning. Senators should be reminded that there will be a cloture vote on the bill immediately following the vote on the Simpson amendment.

It is the hope of the majority leader that we will complete action on the immigration bill during Wednesday's session. All Senators can therefore be expected to have rollcall votes throughout tomorrow's session.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following my remarks.

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

THE NATION'S DRUG STRATEGY

Mr. GRASSLEY. Mr. President, yesterday I did not have an opportunity to participate in a very important series of speeches on the subject of the national drug strategy that were spoken by several of my colleagues, particularly on this side of the aisle. I am sorry I was not able to do that. That was under the leadership of Senator COVERDELL, and I compliment Senator COVERDELL for his leadership in that area. So, it is at this point, albeit 1 day later, that I would like to comment on our Nation's drug strategy.

Mr. President, when I returned to Washington after the Easter recess, I returned with a lot on my mind. During the last week of Easter recess I held a series of meetings across Iowa to brainstorm with parents, educators, law enforcement officers, country attorneys, probation officers, juvenile court officials, social service and youth specialists, and high school students. I wanted to hear their views on juvenile delinquency, violence, and drug use. I held these meetings to follow up on a town meeting I held in February. I did this, in part, as preparation for the reauthorization of the Juvenile Justice and Delinquency Act. We need to take a hard look at what works and where the act needs to be updated in order to meet today's requirements.

The meetings highlighted the deep concern of the public over the growing problem of violence and drug use among the Nation's young people. One of the causes of difficulties is the ease of availability of illegal drugs to today's young people. Not only do illegal drugs destroy families and ruin the lives of individuals; they exact a heavy cost on society as a whole. Whether it is in rising health care costs, losses at work, or greater risks on our highways and streets, drugs exact a heavy toll. Conservative estimates put the costs at over $67 billion a year. That does not include the costs of the drugs themselves. Nor is it a measure of human misery, which cannot be reduced to dollars and cents. When linked to rising crime and violence among our young people, the problems become even more disturbing.

Juvenile crime is not new but it is rising nationwide. What is worse, experts say kids commit more violent crimes today and show less remorse. In the last decade, murders committed by teens increased by 150 percent. Just recently, three children, one 6-year-old and two twins, aged 8, invaded the house of a neighbor to steal a tricycle. The 6-year-old, the ring leader, used the occasion to savagely attack an infant in its crib. The infant, beat and kicked by the 6-year-old, is not expected to live, and if he does live, he is likely to have brain damage. The crime was premeditated and vicious. Unfortunately, this tale of children killing children is becoming increasingly common. As is drug use among teenagers and even elementary school kids.

What is unfortunate about this rise in drug use is that it comes after years of declines. It comes after we had made considerable progress. After years in which ''Just Say No'' helped lift a generation of kids past the most vulnerable years—ages 12 to 20. Not only is use returning, but kids see less danger in using drugs than just a few years ago. Somewhere we put a foot wrong, and now we face the prospect of a new generation of addicts.

We cannot let this happen. Recently, I cochaired a congressional task force to lay the groundwork for fighting back. Last week I held a hearing on the domestic consequences of drug trafficking and use. Last month the Task Force on National Drug Policy, convened by Senator DOLE and Speaker GINGRICH, released ''Setting the Course: A National Drug Strategy''. In that report, we set out many of the prevention, treatment, law enforcement, and interdiction initiatives that we need to undertake to respond to the growing challenge of returning drug use. Senator HATCH, Congressman ZELIFF and I, along with others, have been working to put the drug issue back on the national agenda after years of neglect and virtual silence from the administration.

Yesterday, the administration, belatedly, issued its own strategy on how to fight back. While I welcome General McCaffrey, the new drug czar, to the fray, I am concerned that the strategy released by the administration is long on platitudes and shy on substance. While I do not doubt the General's sincerity, I am not all that confident in the administration's commitment to supporting him. Indeed, the General's first task is imply to recover much of the ground lost in the last 3 years. His effort is aimed at damage control. The strategy, unfortunately, is a prisoner to that effort. And it shows. It outlines fine sentiments, but it is skimpy on any measurable standards. It is hard to fault such language as the strategy contains. But it says little other than it is against drugs. It offers little in concrete measures to determine whether intent will be backed up by deeds. And it fights shy of providing any criteria to measure success.

I know that General McCaffrey intends to do all in his power to fight this problem, but when it comes to serious effort, my response is, ''Show me, don't tell me.'' It is important that we get action not more words.

This administration has been more than invisible on the drug issue in the past 3 years. It has tried to bury the drug issue. The first official act on drugs of this administration was to gut the drug czar's office. To cut its staff by 80 percent. It was this administration's first Surgeon General that called for the legalization of drugs. It was this administration that replaced ''Just Say No'' with ''Just Say Nothing.'' It was this administration that replaced a strategy that was working with one that has presided over one of the largest increases in use in the last 30 years. Furthermore, in the past 3 years under this administration's approach, the movement to legalize drugs has gained momentum.

It is deja vu all over again. Music, movies, and the media have begun to glamorize drug use. To normalize it in print and song. Meanwhile the response from the administration to rising teenage drug use or the effort to legalize dangerous drugs has been like pulling teeth to monitor, difficult to explain, and hard to spot with the naked eye.

It is only after growing criticism from Congress and from the public that the administration has begun, at long last, to at least talk about the drug issue. The President has had more to say about the drug issue in the past 2 months than in the past 3 years. It is about time. It is only after efforts by Congress to force a more serious strategy on the administration, and to insist upon accountability in programs, that the administration has begun to speak about meaningful efforts.

The administration is now talking about the need for a bipartisan effort. I, for one, welcome such an effort. But let us not mistake criticism of failed policies as partisanship. It is, after all, criticisms of the past few years of effort that have led to the present, election-year reversals. It is breaking the silence on poor performance and neglect that have led to renewed attention to drug policy. To the appointment of a new drug czar. To a rediscovered interest by the President in drug policy.

Better late than never. But, while I welcome the present born-again policy, I remain concerned about the intent behind it. There is more showmanship and political maneuvering in the present effort than depth of commitment. I know that General McCaffrey is not running for reelection. I believe that General McCaffrey is serious when he says he wants a bipartisan approach. I am less certain about the motives of others in the administration. I remain concerned that many of the Key advisers on policy are hostile to serious enforcement and interdiction efforts. I am concerned about the commitment of some of the advisers to the White House to keeping drugs illegal.

Nevertheless, I welcome the strategy and I hope that the administration will support the drug czar, unlike his predecessor. I hope that we will see more action. I hope that the action that we see focuses less on backdrops and photo ops, and more on results.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until tomorrow at 9 a.m.

Thereupon, the Senate, at 9:32 p.m., adjourned until Wednesday, May 1, 1996, at 9 a.m.