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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:

Almighty God, on this National Day of Prayer, we join with millions across our land in intercession and supplication to You, the Sovereign Lord of the United States of America. As we sound that sacred word ''Sovereign,'' we echo Washington, Jefferson, Madison, and Lincoln along with other leaders through the years, in declaring that You are our ultimate ruler. We make a new commitment to be one Nation under You, God, and we place our trust in You.

You have promised that if Your people will humble themselves, seek Your face, and pray, You will answer and heal our land. Lord, as believers in You, we are Your people. You have called us to be salt in any bland neglect of our spiritual heritage and light in the darkness of what contradicts Your vision for our Nation. Give us courage to be accountable to You and Your commandments. We repent for the pride, selfishness, and prejustice that often contradict Your justice and righteousness in our society.

Lord of new beginnings, our Nation needs a great spiritual awakening. May this day of prayer be the beginning of that awakening with each of us in this Senate. We urgently ask that our honesty about the needs of our Nation and our humble confession of our spiritual hunger for You may sweep across this Nation. Hear the prayers of Your people and continue to bless America. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, there will be a period for morning business until the hour of 10 a.m. Following morning business, the Senate will resume consideration of S. 1664, the immigration bill. Under the consent order of last night, there are several amendments remaining to the immigration bill. With the cooperation of those Members who have amendments still to be offered, it is hoped that we will be able to stack any votes ordered on those amendments. It is possible that those votes will not occur prior to 12 noon. Following the disposition of the amendments, there will be 30 minutes of debate, to be followed by a vote on the Simpson amendment, to be followed by a vote on invoking cloture immediately after that, and then passage of the immigration legislation. All Senators can, therefore, expect rollcall votes throughout today's session.

I understand that there are a number of Senators who have reserved time for comments during morning business that will begin now. It will go on until 10 a.m. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. Time has been reserved by Senator BURNS, Senator GRASSLEY, Senator GRAMS, Senator DORGAN, and Senator BINGAMAN. The Senator from Montana is recognized for 5 minutes.

Mr. BURNS. I thank the Chair.

AMERICA ON MY MIND—THE GAS TAX

Mr. BURNS. Mr. President, 3 years ago, President Clinton raised America's taxes in the misguided effort to reduce the Federal budget deficit. He claimed that it was time for the rich to ''pay their fair share,'' but as usual, the middle class felt the brunt of his tax hikes.

Mr. President, with the gas prices soaring to record levels, I rise today with America on my mind to call for the immediate repeal of the punitive and regressive gas tax hikes that you put in place and the Democratic Congress in 1993 forced on America in the name of ''fairness.''

You see, I do not believe that it is fair to force families, and especially families that have to have a certain product or item for agriculture, who are in charge of producing the food and fiber, the very necessity of America, to get the taxes hiked on them around 30 percent just to pay for programs like AmeriCorps while ignoring the real problems like welfare reform, saving Medicare, or our criminal justice system.

Since 1992, his 4.3-cents-per-gallon tax increase has generated over $11 billion for the Federal Government. It has come directly out of the pockets of America's families. I believe it is time to put that money back.

President Clinton is inconsistent. In 1993, he raised America's taxes claiming he cared about the deficit, but

when it came around to 1995, he vetoed a budget that would have balanced the budget. The President's plan is more taxing, more spending, more rhetoric. It is time to stop taxing, time to stop spending, and it is time to stop the rhetoric and help America's families keep more of their take-home pay in their back pocket.

In the State of Montana, we have quite a lot of dirt between light bulbs in that part of the world—148,000 square miles, 850,000 people. People rely on their automobiles in Montana as much as those who live in a big city, maybe more so. We also have a very healthy tourist industry that thrives there. That is based on fuels and the availability of fuels. So families and agriculture suffer from the high gas tax, and so do businesses. The price of processing, the price of transportation for all the products that are produced in rural America, significantly adds to the expenses. They cannot always be passed on to the consumer. America's families and businesses are hurt by this tax.

The truth is that President Clinton raised the gas tax for purely political reasons. He had a choice of cutting spending, but he chose not to do it. He had an opportunity to forgo a regressive and punitive tax on the middle and lower class, but he chose not to do it. I believe it is time to fix this political mistake by not only eliminating the 4.3-cents-per-gallon gas tax, but also increasing the family's take-home pay with a $500 per child bonus. We need other tax cuts for families.

We are in a time when the cattle market is really low. We have farmers suffering. And, of course, yes, the grain market is very high. But if you want to do something for agriculture and take out the sort of ''pockets of pain,'' we should look at income averaging again, allow agriculture at the production level to keep some of their money in their pockets during the time when it is profitable so they can ride out the rough years that will come—always come—in agriculture.

We promised to do that for the middle class. That was vetoed. All rhetoric. It is time to lessen that tax burden, not only to working families, but all Americans. In an era when he proclaimed big Government is over, Government keeps on growing.

So with America on my mind this morning, I call upon all of us to take a look at this gas tax, to cut Government spending, and to get our country back on a budget that will keep us fiscally responsible and fiscally solid. I thank the Chair and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Mr. GRASSLEY is recognized for 5 minutes.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1721 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico has 5 minutes.

Mr. BINGAMAN. I am pleased to yield to my friend for any statement he has and take my 5 minutes after that.

Mr. WELLSTONE. I thank the Senator from New Mexico for his graciousness.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 1722 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 8 minutes.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1723 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

LESS GOVERNMENT AND MORE FREEDOM

Mr. GRAMM. Mr. President, today is a very special day for Texans this year because as of today, May 2, working men and women in Texas are for the first time in 1996 working for themselves. To this point in 1996, every single day from January 1 until today, every penny earned by the average working family in my State has gone to government, and only beginning today are the working families of Texas working for themselves and for their families.

Let me share these numbers with my colleagues because I think they are very revealing of a fundamental problem in America.

By the estimates of the U.S. census the average family of four in Texas today earns $42,570. This year that average Texas family will pay $9,522 in Federal taxes, payroll taxes, and income taxes being taken out of their pocket and being brought to Washington and spent. They will also pay $4,781 in State and local taxes. In total, the average family of four in Texas this year will pay $14,303 in taxes out of an income of $42,570.

If in 1950, someone had predicted that the day would come when working families in Texas would be sending $1 out of every $3 they earn to government, no one in 1950 would have believed that could be possible. I remind my colleagues that in 1950 the average family in America with two children sent $1 out of every $50 it earned to Washington, DC. Today the average family in America is sending $1 out of every $4 it earns to Washington, DC. And the sad, and to a certain degree, untold story is that, even if we do not start a single new government program during the next 20 years but simply pay for the government we have already committed to, the average family in America will send $1 out of every $3 to Washington within 20 years, and $1 out of every $2 in 30 years. That is a future that, at least standing here today, it is hard for me to imagine. But I think the sobering lesson is who could have imagined in 1950, when the average family in America with two children was sending $1 out of every $50 to Washington, DC, that today, 46 years later, the average family in America would be sending $1 out of every $4 it earns to Washington, DC.

I will leave it to each American to try to answer the question as to whether they are getting their money's worth from our government, whether, if they got to keep more of what they earned, they could do a better job spending it on their own family and investing it in their own future, than the government is now doing. I believe that the answer that most Americans would give is that, if they got to keep more of their own money to invest in their own children, that they could make a sounder investment both for themselves and for their children than their Government is now making.

Texas is a blessed State in many ways. But one of the ways we are blessed is that our tax burden at the State and local level is lower than the national average. So it will be on May 7 that the average American family will work for itself for the first time in 1996. But today is the first day of 1996 that working families in Texas will be working for themselves. From this point on during the year of 1996 they will be able to keep what they earn to invest in their future and their family.

I believe it is a national crisis that the average working family in Texas has worked from January 1 until May 2 simply to pay tribute to government. I do not believe the government we are giving them is worth what they are paying for it. I think we need to dramatically revise government spending, and cut it. I think we need to let working families keep more of what they earn.

There is one institution in America that is more effective and more important than any other. And that institution is the family. It is the institution that provides cohesion to our society, it is the institution that passes on our values and our traditions to our children, and yet it is the one institution that we consistently starve of the resources they need to do this job.

So I just simply wanted to join the people of my State in celebrating the fact that as of today they are working for themselves. For the last 3 years the tax burden on the average Texas family and the average American family has

risen, and risen at an alarming rate. I believe this trend has to stop, and I am dedicated to the principle that we need less government and more freedom, that government is too big, too powerful, too expensive, and spends too much of the money of working families, and as a result they have the opportunity to invest too little of what they earn.

I want to see this changed, and I think the real debate that we face here in Washington, a debate that is very seldom defined here on the floor of the Senate, is a choice between unlimited government and unlimited opportunity. And we have to choose. I want to make it clear on the first day of this year that Texans have worked for themselves that I choose opportunity because I know that if the average working family in America could represent itself in the U.S. Senate for one day and could cast a vote as to whether we need more government, or whether we need more freedom in America, they would cast their vote in favor of less government and more freedom.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was intrigued by listening to the Senator from Texas, and I wanted to make a couple of observations about it before I discussed what I came to discuss.

This issue that the American people have paid taxes to a certain day and somehow after that it does not affect them escapes me. I know the Senator from Texas taught economics for some while. He would understand I think that the four largest areas of public spending are education, State and local and Federal, mostly State and local, defense, Social Security and Medicare.

When the American people pay taxes to build schools to send their children to schools, I wonder if the Senator is suggesting that somehow they have not made an investment in themselves in January, February, and March to build those schools, to pay those teachers, and give their kids an education. I do not think he would believe that.

If he is believing somehow that the Social Security checks will go back to help senior citizens, that Medicare Program that helps pay medical bills for senior citizens in January, February, and March does not represent an investment in themselves when people pay taxes and get back both an education system and an opportunity to defend our country, including jobs in Texas in defense plants, and Social Security checks for senior citizens, and Medicare payments for health care for senior citizens, I think not. I think not.

I agree with the Senator from Texas. I would like to see lower taxes for everybody. We are trying to reduce the size of Government. In fact, there are 200,000 fewer Federal workers now than at the beginning of 1992. We are reducing the size of Government. He will not find an argument from me about that. But when someone suggests somehow that all of the money paid goes to Government and has no relationship to the individuals, they are suggesting that the investment parents make in the school system that benefits their children—because I think parents have pride in building a school system that works and being able to send their kids to good schools—I think the Senator misunderstands that there are a whole lot of the American people who think it is a good investment for them to send their kids to good schools and do not mind paying taxes for schools that work.

I did not come to the floor to talk about that, but I am always intrigued by the discussions about tax issues.

RESCINDING THE GAS TAX

Mr. DORGAN. Mr. President, one of the things I wanted to talk about this morning was the gas tax.

I voted for the provision in 1993 that was the largest deficit reduction act in history. I am still pleased I voted for that. We did not get one vote on the other side of the aisle even by accident. All of us on this side of the aisle had to vote for that and pass it by one vote. We did not get one vote even by accident. But I am still glad I voted for it.

Did I like everything in it? No, I did not. But the Federal deficit has decreased by nearly 50 percent since that was enacted.

We have had some folks come to the floor recently saying let us repeal the 4.3-cent gas tax. I guess the motivation for coming to the floor to do that is to say that gas prices have spiked up in this country from 20 to 25 cents a gallon. The American people are anxious and concerned about that, so some people come to the floor and say let us repeal the 4.3-cent gas tax. I ask why the 4.3 cents? Why not the 4.3 cents and the 10 cents that Senator DOLE has proposed previously and voted for. Why not decrease the whole thing if you want to do it? But if you decrease it a penny, if you decrease the gas tax at all, I am going to be here with an amendment insisting that that reduction go into the pockets of consumers who are now spending more money at the gas pumps, not into the pockets of the oil industry.

I took a look at some figures yesterday when we were talking about this subject. Let me tell my friends what has happened in the oil industry. God bless them; I think profits are fine, and I am happy they are doing well. Chevron posted gains of 34 percent last year, an increase in profits; Amoco, a 39-percent increase in profits; Texaco, profits up 30 percent; Mobil, profits up 16 percent; Exxon did just fine as well, up 14 percent; Shell, up 42 percent in the first quarter of this year.

Those are oil company profits. Now, if somebody comes to the floor of the Senate and says, let us cut gas taxes, if they do not support a provision that requires a cut in the gas tax to be ratcheted down in the price at the pumps and therefore go into the pockets of the consumers, guess who is going to pocket the reduction of the 4.3-cent gas tax? The oil industry.

Frankly, I am pleased that the Federal deficit has decreased, and I am willing to cast votes to decrease it all the way. We ought to balance the budget. That is why I say I am still proud I cast that vote in 1993, and that included some tough issues, including a gas tax. But the plain fact is we are probably going to deal with a gas tax repeal here of some type where the majority has the right to bring that to the floor and not with respect to the merits of the issue.

I will also, in this Chamber, when we deal with the gas tax, propose an amendment that says, if we cut the gas tax, let us make sure it goes in the right pocket. The oil industry has some deep pockets, and they are doing just fine, thank you. The consumer is paying 20 or 25 cents a gallon more, and the question is, why? Because of the gas tax? No. The industry decided because of supply and demand, they say, that the price had to spike up, so the price spiked up and American drivers take it in the pocketbook.

If someone wants to relieve the American drivers of a 20- or 25-cent price spike, the first thing we ought to do is launch an investigation into what caused that price to spike up 20 or 25 cents a gallon. Who decided to do that? There was no debate about that. We had a debate about the gas tax. There was no debate by the public on this issue of a 20-, 25-cent increase in the gas prices. That is done in a room someplace, I assume. They say, well, the supply and demand relationship has changed. Therefore, let us charge the drivers 20 or 25 cents more a gallon.

I say to the folks who come to the floor of the Senate that, if we want to do something for American drivers, for those who are paying the bills, let us investigate what has caused this spike in gas prices, No. 1. No. 2, if you do offer proposals to reduce the gas tax, I am going to offer an amendment to insist that that reduction go into the pockets of the taxpayers in this country, not into the pockets of the oil industry.

How do we do that? It is not very easy to do that because you have to make sure that that decrease finds its way to the price at the pump so that it is lowered for the American consumer. But if folks come here and say, let us ratchet down the gas tax and do not do that, you know exactly where that money is going. It is not going into the pockets of somebody who is going to fill their tank tomorrow. It is going to go into the deep pockets of the large multinational corporations that decide they are going to profit because of what the Congress has done.

So those are issues, I think, we will work our way through, Mr. President, in the coming week or two. When we do, I think Members ought to understand that some of us will absolutely

insist that if you reduce the gas tax, that money must go into the pockets of the American taxpayer, not the pockets of the big oil companies in this country.

Mr. REID. Will my friend from North Dakota yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. I say to my friend from North Dakota, I hear talk about a gas tax being repealed. What gas tax are they talking about repealing?

Mr. DORGAN. There have been proposals on the floor of the Senate and in the House to repeal a 4.3-cent-per-gallon gas tax that was imposed in 1993.

Mr. REID. My question I guess is, since there have been a number of gas taxes that have been passed in recent years—is that not true?

Mr. DORGAN. That is correct.

Mr. REID. The 4.3 cents is only a small fraction of the taxes on gas that have been increased over the past decade or so in this body. Is that not true?

Mr. DORGAN. The Senator is correct.

Mr. REID. Does the Senator know of any reason why the 4.3 cents was chosen as compared to any other tax increases that occurred when the Republicans controlled the White House?

Mr. DORGAN. I assume it is politics. I do not understand why they chose the 4.3-cent gas tax. If gas prices spike up 20 or 25 cents a gallon, why not ask the question: Where has the price increase come from? And roll back the price increase if they really want to help the American driver.

Mr. REID. I also ask my friend from North Dakota this question. I have been watching very closely since the prices, especially in the western part of the United States, have gone up. They have gone up a lot in the State of Nevada, not as much as in the State of California, but they have gone up in the State of Nevada. I have been watching very closely, and I have not seen the oil companies come forward with an explanation of why the costs of gasoline and fuel have gone up. Has the Senator seen an explanation?

Mr. DORGAN. The explanation that has been given is supply and demand relationships and difficulties with refineries in California and some other imbalances that have occurred. As the Senator from Nevada knows, President Clinton has, I think, properly asked for an investigation. Let us find out exactly what has caused this price spike. Is the spike in prices temporary or will it last some time? Is it justifiable or is it not?

I think the President has moved in the right direction, saying let us get to the bottom of this and find out who has done what and take action if action is appropriate.

Mr. REID. I say to my friend, I have been advised that in the State of New Mexico in recent years the gasoline tax was decreased and the cost of gasoline in that State went up. Has the Senator heard that? Has the Senator heard that story?

Mr. DORGAN. I have not heard that, but that is my fear. If someone were to bring a bill to the floor of the Senate that says, let us cut the gas tax 4.3 cents per gallon and provide no assurance that that is going to go into the pockets of the American drivers and American taxpayers, guess what. We might very likely have a circumstance where that 4.3 cents per gallon would go into the pockets of the oil industry. I do not think that advantages this country. All that does is increase the debt, enrich the oil companies, and leave the drivers and taxpayers in exactly the same position they are in now.

Mr. REID. I say to my friend, the Senator from North Dakota, in the form of a statement he can respond to or not, it is my understanding in recent years in the State of New Mexico the gas tax was decreased. And surprisingly, in the State of New Mexico, immediately the prices went up and, in effect, the oil companies received the benefit of the tax being decreased. The consumer did not. That is a fear that I have, that here in America today, if we repeal this gas tax, rather than the American consumer getting the benefit of it the oil companies, which have had record profits the last few years—record profits—the oil companies would be able to pay their executives even more than they have as a result of making 4.3 cents more per gallon. Does the Senator from North Dakota fear the same?

Mr. DORGAN. That is my concern and that is why there will be an amendment, if there is a gas tax proposal on the floor to reduce the tax, to make sure it goes to the right pockets.

Let me say to the Senator from Nevada, I do not like the gas taxes. I never have. And I worry about high gas prices. Why? Because I come from a State that is a very large State with not too many people; 640,000 people living in 70,000 square miles in North Dakota. We pay about twice as much gas tax per person as they do in New York City or New York State. Why? Because we drive more than they do. To do almost anything we drive much longer distances than they do in New York.

A friend of mine once told me he had a cousin in New York who was going to go to Bayonne, NJ, to visit some relatives. They got an emergency kit in the trunk and some blankets, to go 60 miles, because that is a big trip in the east coast, I think.

In North Dakota, 60 miles is absolutely nothing. We drive 60 miles at the drop of a hat, often in a snowstorm. In good weather or bad weather we drive great distances. That is why I never particularly liked the gas tax, because the gas tax imposes a higher premium for taxpayers in North Dakota than it does taxpayers in New York. We drive twice as much per person.

The same is true with gas prices generally, not just the tax. When the price goes up 20 or 25 cents a gallon and someone says that is because of a 4.3-cent charge put on 3 years ago, I say, ''Wait a second. No, no, the price went up 20 or 25 cents a gallon because something has happened in recent weeks to do that. We ought to find out what has happened and find out whether it is justified.''

But I guess, again, the bottom line here is if we are going to have people come to ratchet down the gas tax I am going to make certain the right people get the benefit of that. That is the American taxpayer, not the oil industry.

Mr. REID. Will my friend from North Dakota yield for another question?

Mr. DORGAN. I am happy to yield.

Mr. REID. In the State of Nevada we have, of course, the seventh-largest State in the Union areawise, but the State of Nevada has changed in recent years. We have had a huge population explosion. Mr. President, 90 percent of the people, approximately, live in the metropolitan areas of Reno and Las Vegas. But those two cities, those two metropolitan areas, are separated by 450 miles. So the people of the State of Nevada, to get to the metropolitan areas and to get to the many rural communities that we have throughout the State of Nevada, have to drive very long distances. The loneliest road in America has been designated, a road in Nevada.

The point I am making to my friend, and I want to see if he agrees with this, is the Democrats in the U.S. Senate are not trying to block a repeal of the 4.3-cent gas tax. The Senator from North Dakota and the Senator from Nevada, we would like to get rid of all the gas taxes because people in our States, our rural States, depend on automobiles to get around. There are no subways in Nevada. There is no mass transit, basically, other than a bus, anyplace in Nevada.

So, I say to my friend, does he agree that the Democrats are not trying to stand in the way of repealing the gas tax, what we are trying to do is to make sure, if it is repealed, the consumer benefits and not Chevron, not Shell, not Exxon, and all these massive multinational multilevel companies? Would the Senator agree with the Senator from Nevada?

Mr. DORGAN. I think Senator REID states the case. I do not want to increase the Federal deficit. We have it coming down. I want to keep it coming down. And I am not afraid of making hard choices—we have done that before—in order to get it down, including taxes I do not like. I would much prefer a lower gas tax. I would much prefer lower gas prices, period.

My intention is to say only this. If people come here to try to reduce the gas tax, which will increase the deficit, I am going to say to them: That is OK, but I want to make sure the benefits of that gas tax reduction go to the drivers, who are the taxpayers out there, not the oil industry, No. 1; and, No. 2, you need to find a way to make sure

what you are doing does not further increase the Federal deficit, because that is not moving in the right direction.

Mr. President, I believe we had 30 minutes reserved. I ask, because we did not start until 9:40, unanimous consent the Senator from Massachusetts be given 5 minutes, and the Senator from Montana, Senator BAUCUS, be given 5 minutes following the Senator from Massachusetts.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, in just a few moments we will return to the unfinished business on the illegal immigration legislation. There is every prospect that that legislation will be concluded sometime in the afternoon. As Members of this body know, we are operating under the procedures of cloture, which has foreclosed the opportunity for me and for our minority leader, Senator DASCHLE, or others, to raise the issue of the minimum wage, to offer that as an amendment to the underlying legislation. I have indicated that I would offer it at the earliest moment on any other legislation that comes before the Senate, including the possibility we would offer it this afternoon.

But now we are, under the procedures, foreclosed. During the course of the morning, and with the consent agreement and the cloture on the underlying bill, we have been effectively foreclosed from any opportunity to address that issue. I am hopeful still, sometime during the day, we will have the opportunity to begin the debate. I think it is an issue that is well understood in the Senate. But we might be able to establish a short time period where we would have that debate and have a vote by the Members on that issue, which is of central importance to working families, families who are working 40 hours a week, 52 weeks of the year, trying to make ends meet and are still faced with the hard realities that the minimum wage is at the lowest purchasing power it has been in 40 years. All Americans basically understand we should reward work with sufficient compensation so families can provide for themselves, can provide for their children, put food on the table, pay the rent and the mortgage.

This issue is an old issue. It has been debated and discussed each time Congress has acted to increase the minimum wage. It is quite ironic that this issue was before the U.S. Congress 35 years ago tomorrow, that would be in 1961. The issue of the increase in the minimum wage in the 1960 campaign was debated extensively during the course of that campaign. President Kennedy, in the course of that campaign, spoke about the importance of raising the minimum wage. It was considerably lower at that period of time. But in the course of the campaign then Senator Kennedy sat in front of a camera and said:

> Mr. Nixon has said that a $1.25 minimum wage is extreme. That's $50 a week. What's extreme about that? I believe the next Congress and the President should pass a minimum wage for a $1.25 an hour. Americans must be paid enough to live.

Really, the rest is history. Senator Kennedy was elected in the fall of 1960. One of the earliest messages that he sent to the Congress in February the next year was urging Congress to take action. The Congress addressed this issue 35 years ago tomorrow.

On Friday, May 3, which is tomorrow, that will be the 35th anniversary of BOB DOLE's vote against President Kennedy's legislation raising the minimum wage from $1 to $1.25. BOB DOLE and Richard Nixon were wrong to oppose President Kennedy's minimum wage hike 35 years ago—and BOB DOLE and RICHARD ARMEY are wrong to oppose President Clinton's minimum wage hike today.

This issue is before us. We will have an opportunity to address it. Just as the Republican leadership was opposed to moving from $1.25 35 years ago, we find opposition now to increase the minimum wage to make it a livable wage to honor work in our society.

The overwhelming majority of the people in our society are for it. Americans should not be denied it. The illegal immigration bill is important, but we have a responsibility to meet the needs of those Americans who are out there working on the bottom and next to bottom rung of the economic ladder trying to provide for themselves and working hard at it.

Mr. President, we will continue the battle to increase the minimum wage, and I do not believe for a moment that we will be defeated. This is an issue whose time has come again and again and again. It came in early 1961. I believe it will come again in 1996.

We have to ask why it has taken us so long, but we will continue to persevere today and every opportunity to have the Senate address and vote in favor of the minimum wage. The American people need it; they are entitled to it. And we will continue that struggle.

Mr. President, I yield the floor.

Mr. DOLE. Was leaders' time reserved, I ask the Chair?

The PRESIDING OFFICER. Yes, it was. Leaders' time was reserved. The Chair recognizes the majority leader.

PRODUCT LIABILITY REFORM VETO

Mr. DOLE. Later this afternoon, President Clinton is expected to veto the product liability reform bill—a bipartisan measure to curb abusive, predatory lawsuits.

This bill passed the Congress overwhelmingly, with the support of Democrats and Republicans alike. And for good reason: In 1994, lawsuits cost the American consumer a staggering $152 billion—a price tag that exceeds the entire Federal budget deficit.

Lawsuit abuse hurts consumers by raising the costs of goods and services. It limits employment opportunities for those seeking jobs. It hurts the competitiveness of U.S. businesses overseas. And, perhaps worst of all, it can prevent new, lifesaving drugs and medical devices from ever reaching the market.

As Linda Ransom of Phoenix, AZ explained to us earlier this week, abusive lawsuits have forced manufacturers to stop selling the materials that are needed to make the medical device that is keeping her 9-year-old daughter, Tara, alive. This is truly a life-and-death issue.

It is time to stop lawsuit abuse before lawsuit abuse stops America.

So, why will President Clinton veto this important legislation? The answer can be summed up in three words: The trial lawyers. President Clinton vetoed the securities litigation reform bill because of the strong-arm tactics of the trial lawyers. And he will veto the product liability bill because he believes what is good for the trial lawyers is also good for America.

America's legal system is broken and fundamental reforms are needed—and need now. Our legal system must be reformed to encourage people to be responsible for their own actions. And it should quickly and efficiently compensate victims—not lawyers. Quite simply, legal reform is a key ingredient of any serious plan to promote job creation and economic growth.

Unfortunately, with today's veto, the President will be confirming what we already suspected: It is the trial lawyers who are calling the shots at the White House.

NOTICE

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Wednesday, May 15, 1996. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 14. Any questions regarding the availability of reports should be directed to the Public Records Office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

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

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

Simpson amendment No. 3853 (to amendment No. 3743), relating to pilot projects on systems to verify eligibility for employment in the United States and to verify immigration status for purposes of eligibility for public assistance or certain other government benefits.

Simpson amendment No. 3854 (to amendment No. 3743), 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.

Mr. SIMPSON. Mr. President, let me just relate where we are, and then I will certainly yield, and we can ask unanimous consent that Senator BAUCUS continue for 7 minutes as in morning business.

We have our order from yesterday, and we are going to go forward with four amendments, perhaps a motion, and we intend to finish this bill today. I know Senator KENNEDY feels the same. He, particularly, so he can get on with his minimum wage issue—no, excuse me, I am sorry. He will eventually get on with that. We do know that. We do know him well.

So I hope Senators will—and I know the Senator shares my view—come to the floor and process these floor amendments so we can move on to the next item of business. We are going to finish this bill. The sooner the better, and we will call for third reading at some appropriate time this morning if the action does not go swiftly. I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

REPEAL THE GAS TAX AND INCREASE THE MINIMUM WAGE

Mr. BAUCUS. Mr. President, I rise to discuss a subject of great importance to Montana, my home State, and also to me personally. That is the subject of the proposal to cut the gas tax by 4.3 cents over the rest of the year.

I am reminded of a comment made by the great Irish conservative thinker, Edmund Burke, in reflections on the revolution of France where he said:

Among an infinite number of acts of violence, of folly, some good may be done. They who destroy everything certainly will remove some grievance. They who make everything new have a chance that they may establish something beneficial.

That is about where we stand today with the 104th Congress. The Congress is approaching its close. The present-day revolutionaries are getting ready to put on their hot tar and feathers and mount up on the rail to be ridden out of town. Behind them will remain a rather weird legacy: Government shutdowns, attempts to repeal the Clean Air Act, weaken protection of our lakes and streams, slash student loan programs and cut school lunches, and radical experiments with $270 billion Medicare cuts.

But hidden away in this mess are a few good things—a few grievances removed, a small number of beneficial things established. They are hard to find, but over the next 5 months or so, we need to dig them out, pass them and get them up to the President to sign. It is a tough job, but today we have found one of them, and that is repeal of the gas tax.

Folks are hurting at home. Wages are stagnant, cattle prices are down, but the cost of housing and the cost of college and a lot of other necessities are going up, and we should be here to do something about that.

Some of these problems are pretty complex. But we can start with a few simple solutions that will put some more money in an ordinary working man's or woman's pocket. That is what repealing the gas tax will do.

Probably that should be enough reason to repeal it, but fairness and principle also say that a gas tax that is not devoted directly to transportation funding is a bad idea and ought to be repealed.

The price of gas in Montana is up from $1.29 a gallon in March to $1.42 today, as reflected by this chart: $1.29 March 26 and up in just a short period of time, over 1 month, up to $1.42 a gallon. Who knows where it will be tomorrow, the third line on this chart.

As part of this, Montanans already pay 27 cents a gallon under a gas tax in our State—that is the State gasoline tax—and 14.1 cents a gallon for transportation under the Federal gasoline tax. The rest, 4.3 cents a gallon, is an excise tax that goes to general revenues. Like all single-product excise taxes, this 4.3-cent tax is unfair, it is narrowly based, and it is grossly unfair to the West where we have to drive a long way to work, to the grocery store, or to the hospital.

That is why I have opposed gas taxes. I opposed the gas tax hike in 1990. I remember back in 1993, the administration proposed a gas tax of 9.3 cents a gallon. I spent nearly a month fighting them down, a tenth of a cent by a tenth of a cent to the present 4.3-cent level.

As I said then, and I will quote, ''I will vote for the $500 billion deficit reduction plan because I don't want to let perfection be the enemy of the good. The deficits we have run up have already laid a $4 trillion debt on the backs of our children, and fast action on the deficit is the best way to increase business confidence and keep interest rates low so jobs will be created by expanding business and people can refinance their mortgages. But make no mistake about it, the gas tax is a weak point in this package.''

The majority leader's proposal is a relatively modest proposal. It does not cure the weak point in the 1993 package completely by repealing the gas tax; instead, it is a temporary 7-month reduction, essentially a limited constructive response to an emergency caused by the sudden increase in gas taxes last month.

There is a little work ahead. We need to balance the budget, so we need to make sure that the gas tax cut is offset and does not widen the deficit. That is critical. The offset needs to be a fair one and does not simply put a new burden on working people, and we need to be sure that oil companies do not simply use the gas tax cut to raise prices again.

With that aside, it is a good idea. As historians mull over the Government shutdowns and otherwise pick through the debris left by the revolutionary Congress, they will be able to say, ''At least they got one thing right.''

We ought to be able to do this quickly, to take a few cents a gallon off at the pump, and at the same time we ought to be able to raise the minimum wage. I was on the phone yesterday with some minimum wage workers in Bozeman. A raise of 90 cents an hour will let them stay ahead on electric bills and on water bills. It will let a single-working mom give the kids a night at the movies every once in a while, give a donation to a church, maybe buy a couple of books, and that is not asking a lot.

So these are the right things to do. We ought to get the gas tax repealed by Memorial Day, and we ought to get the minimum wage raised by Memorial Day.

I hope people in both parties will take a fair, independent look at these ideas because they are good ideas, and they help ordinary people make ends meet. They deserve the Senate's support. Mr. President, I yield the floor. 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.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I join with Senator SIMPSON in urging our colleagues to come over and consider these amendments. We have been going on through the evening the last two nights, and we are always asked at the end of the day if we cannot conclude it so that we can accommodate Members' schedules. Here we are at 10 o'clock, ready to do business.

There are a limited number of amendments out there. The particular Senators know the amendments have been listed. We are prepared to move ahead and dispose of these amendments. It is better for us to have the debate at the present time. So we ask, just out of consideration for the other Members of the Senate, that those Members come over so we can dispose of those amendments and we can accommodate our other friends and colleagues here. We will go into a quorum call, but we hope those Senators will come to the floor and address those amendments. 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 am going to proceed with a discussion of an amendment which I believe I will send to the desk because Senator GRAHAM and Senator CHAFEE apparently will not be here until approximately 11 o'clock. So we will proceed with the amendment. I will send it to the desk in a moment and proceed with the debate on the amendment.

The amendment would modify section 112 of the bill relating to pilot projects on systems to verify work authorization and eligibility to apply for public assistance.

It has three parts. The first part would require that at a minimum three particular pilot projects—remember, these are pilot projects. Remember, whatever one is selected has to have a second vote in this Chamber years down the line. This is not tomorrow. This is not next year. The purpose of the amendment is to require these to be pilot projects rather than the present language which makes it somewhat optional.

The three parts are: The first part would require that at a minimum three particular pilot projects be conducted; one providing for telephone verification of Social Security numbers; one providing for use—pilot projects again—for use of a counterfeit-resistant driver's license with a Social Security number on it, but only in a State that already issues such a license. We are not imposing this as a national standard. But if the State of Wyoming has a driver's license with a Social Security number on it, which they do, that State will have the pilot on a counterfeit-resistant driver's license.

Then the final one involves the confirmation of the immigration status of aliens, but with regard to citizens only, an attestation only for citizens, which people have said in the debate—I think it is a good debate—''Why should a U.S. citizen have to go through these procedures?'' The answer is, we will have a pilot project to find out. But I certainly hope that we could do that and require eventually, through the pilot project, only an attestation by persons who are claiming to be citizens.

Under the present bill, current bill in its present form—after the amendment yesterday, this is in the bill—there are seven different types of pilot projects that are specifically authorized, but none is required. Senator KENNEDY and I have concluded that it is especially important that the three projects I have specified are conducted, at least these three. The other four, making up the seven, that is fine, too. I think we need to study every possible aspect of this.

The first type of pilot project providing for the telephone verification of the Social Security numbers of all new employees was a recommendation of the Commission on Immigration Reform, chaired by former Congresswoman Barbara Jordan, and is and was the most frequently discussed option as it was in the House of Representatives.

The second type providing for use of a counterfeit-resistant driver's license with a Social Security number on it in a State that already issues such a license—please hear that—would have the major advantage that employers would be required only to check a single document, one that is already in existence. There would be no new documents, no new database, no new procedure such as a telephone call verification.

The third type involving confirmation of the immigration status of aliens but only an attestation by persons claiming to be citizens. That would also have a major advantage, in our mind. Employers would not have to verify employees. They would have nothing to do in that situation. Of course, in that situation, the obvious weakness in such a system is the potential for false claims of citizenship. That is why I did offer a separate amendment which was accepted, I think, in the manager's amendments, creating a new disincentive for falsely claiming U.S. citizenship, which will be a new ground of exclusion and of deportation. I think that will be very effective in reducing that obvious weakness. Because of the potential advantages of these three approaches to verification, I believe that the Attorney General should be required to conduct pilot projects on those.

Mr. President, the second part of the present amendment provides that if the Attorney General—and this is very important for employers—again, if the Attorney General determines that a pilot project adequately satisfies accuracy and other criteria such as those relating to privacy, precious privacy, discrimination and unauthorized use, two results can follow. First, the project's requirements will supersede any verification requirements under current law for participating employers. In addition, the Attorney General will be authorized to make the participation mandatory for some or all employers in the pilot project's area of coverage for the remaining period of its operation.

Here is what the intent of this portion of the amendment is. It is that no employer be subject to requirements of doing both the current law and the pilot project in which participation is mandatory. Of course, an employer can voluntarily participate in any project without any preliminary determination by the Attorney General, or anyone, that the criteria are adequately met. If there is no such determination, the requirements of both the project and the current law will be required, trying to assure there is not a double burdening upon the employer.

The third and final part of this amendment defines words ''regional project.'' That was thoroughly discussed in committee and I believe referred to here yesterday and the day before. This amendment defines a ''regional project'' as a project conducted in an area which includes more than a single locality but which is smaller than an entire State. This definition is included because section 112 of the bill directs the President, acting through the Attorney General, to conduct several local or regional pilot projects.

The reason the amendment is so crafted is that some persons have expressed concern that the reference to ''regional projects'' could be interpreted to mean projects involving several States. Then this could create something close to a de facto nationwide system, especially if there were a number of multistate projects. Thus, the reason for the amendment. Yet, such a system would not have been the subject of a Presidential recommendation or report and subsequent enactment of the legislation as would be required in the bill before a pilot project can be implemented nationwide.

Let me say that again. Before any project, whether regional—and this defines regional—whether national, and this will take years to do, before the recommended pilot project—the ''preferred alternative,'' I suppose, would be the phrase—in some future year would be presented to the Congress, and then

a second vote would take place with regard to which of the pilot projects would eventually come into the statutes of the United States.

That is the essence of the amendment. I look forward to the discussion of it.

AMENDMENTS NOS. 3853 AND 3843, EN BLOC

Mr. SIMPSON. Mr. President, I now send to the desk the amendment I have described. By previous unanimous consent, amendments 3753 and 3754 were combined to be considered as a single amendment.

The PRESIDING OFFICER. The amendments en bloc are before the Senate.

Mr. SIMPSON. Mr. President, I have no further comments with regard to the amendment, but I emphasize to our colleagues that we are going to proceed and try to accommodate each and every one of the Members who are involved in the amending process. We are certainly not going to cut off debate, but let all be aware we are going to finish this bill today in the morning hour or the darkening color of evening.

I must relate to the occupant of the chair that the Senator from Massachusetts handed me a tattered document from some calendar of some kind that says, ''What State is home to more pronghorn antelope than people?'' I believe the occupant of the chair and I know the answer. It is our native State of Wyoming.

But we also have a story we tell of the old cowboy out fixing his fence and doing a nice job. A tourist lady came by—I think Massachusetts plates—and she said, ''I understand you have more cows than people out there. Why is that?'' He looked at her with steady gaze, hooked his thumb in his belt, and he said, ''We prefer 'em.''

Mr. KENNEDY. On that note, Mr. President, let me just say a very brief word about the modification of the verification proposal.

The development of studies that would help and guide policy has been controversial over some period of time. The Senate now is on record in support of those pilot programs. I strongly support them. We will have maximum flexibility to see at the time when the report comes back to the Congress, what has been recommended or suggested along the guidelines that have been included in the bill and which I referenced yesterday.

This amendment effectively ensures mandates that those programs are actually going to go ahead. It was always our assumption they would go ahead. I believe this Justice Department is well on the road toward assuring they would go ahead. A number of us have been briefed on what progress has been made, and has been impressive in terms of the design of these programs. I think they offer some very, very important, hopeful indications that many of the abuses we have seen currently would be addressed with either these types of programs or those that are closely related to those programs.

Effectively, what this amendment does, as the Senator has pointed out, it defines the term ''region'' as an area within a State. This proposal limits the verification to local and regional pilots only. There was some question about what the region might be. We know about 80 percent of illegals are in seven States. Some are bunched into regions of the country. We wanted to make it very clear that we were not talking about regions of the country, but we are talking about an area within a State. That is an improvement, and I think it is a worthwhile statement to ensure that the purposes of this pilot program will be defined as an area within a State.

Second, it mandates the INS to conduct the three types of programs which are listed in the bill. These three had been selected after the consideration of a number of other suggestions. And, as I mentioned earlier, I think they are worthy of pursuing. We are making sure that they will be pursued. There is one pilot project where employers have to verify an employee's Social Security number over the phone; one which tests the effectiveness of the State identification card, and that includes a readable Social Security number; and one where employers have to verify employment eligibility, only for employees who are noncitizens. These three mandates of the INS cannot require employers to participate in a pilot program, unless the Attorney General certifies it is anticipated to meet the privacy and accuracy standards of the bill.

We have outlined in very careful detail the privacy provisions, and we are strongly committed to ensuring that privacy will be realized and achieved. We will work closely with the INS to make sure that that happens.

As has been pointed out in the course of the debate, we wanted to insist on accuracy. If you have just programs that are maybe 80 percent, or 85, or even 90 percent accurate, you are still 10, or 15, or 20 percent inaccurate, and you are still talking about tens of thousands of people who would be unfairly treated. And so that aspect of the pilot program—to insist on the accuracy standards which have been outlined—is 99 percent in this bill and is enormously important.

So I think questions had been raised after we had determined that the pilot program would be instituted in the Judiciary Committee, and from the Judiciary Committee to the floor, and even during the course of the debate, we have been asked to clarify these particular measures, and the Simpson amendment does that. These modifications make good sense. This amendment ensures that pilot projects can be no larger than an area within a State. It means that a pilot that covers an entire State would be too large. The amendment requires the INS to conduct the three projects, and these projects are listed as optional pilots in the bill. The amendment simply requires the INS to test these three projects. If any of these work, it will mark a major improvement in denying jobs to illegal immigrants.

Once again, this is where the focus ought to be on the issue of the job magnet, the fact that jobs are what bring people here to the United States illegally. As we know, those individuals who are the illegals basically are low-skill or no-skill workers, and they are the ones which add the least, obviously, to the economy and still are involved in displacing other Americans and driving wages down.

So if we are able to address the issues of the job magnet—and this legislation attempts to do that in a variety of ways, which have been spelled out earlier in the course of the debate, both from trying to address the issues of the fraud documents and trying to strengthen the Border Patrol, trying to develop these other kinds of proposals to limit the—and make it less likely that illegals will enter the job market, I think we are on the road to trying to take meaningful steps to deal with the problems of illegal immigrants coming to this country and still ensure the protections for American workers that may speak with a foreign language or may have a different appearance.

I do not know of any opposition to this amendment. Members have known about it for some period of time. Perhaps we will be willing to set this aside. We are personally contacting Members who have indicated an interest to find out whether they either want to address it or require a rollcall vote. It seems to me that we will pursue that. But we, again, hope that our other colleagues who have other amendments will come forward. I am sure when they do, we will set this aside. At some time later, I suppose, we will ask, when we stack the votes, that this be one that we stack.

If Members have differing views on this issue, we are here now to debate it. After a reasonable period of time, we will assume that those Members, unless they notify us, are willing to let us move forward and accept this amendment. We intend to do that in a reasonable period of time.

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. THOMAS. 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. THOMAS. Mr. President, I ask unanimous consent I might take 3 minutes for the introduction of a bill.

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

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1714 are located in today's RECORD under

''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. WELLSTONE. I thank the Chair. I will be brief, I say to my colleagues. I will stay under 5 minutes.

RISE IN GASOLINE PRICES

Mr. WELLSTONE. Mr. President, I come to the floor to read a letter that I have today as the Senator from Minnesota sent out to a number of oil companies in our country.

I ask unanimous consent to have this letter printed in the RECORD.

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

MAY 2, 1996.

Much has been said recently about the rise in the price of gasoline, attributing this rise to a number of factors. As you may know, the Senate Energy and Natural Resources Committee, of which I am a member, will be holding a hearing to look into this matter on May 9, 1996.

My understanding of the industry position on this question is that several unrelated factors have led to the recent increase of gasoline prices: high demand for heating oil due to the long winter, seasonal refinery maintenance practices, refinery shutdowns, and the failure of Iraqi oil to enter the market as expected. Although all of these are credible explanations, there is an argument that runs counter to this position which I would like you to address.

The crux of my concern relates to the industry practice of ''just-in-time'' inventory management. It appears that the inventories of crude oil and petroleum products are now being held by the industry at significantly lower levels than have historically been the practice. In fact, a particularly significant drop in inventories seems to have occurred during the summer of 1995, not during the winter as one might expect. As you know, when inventory levels are so low as to impact the availability of gasoline, consumers and the economy can be exposed to the risk of price spikes by otherwise unremarkable increases in demand. My fear is that while oil companies may use this management technique to save money, the result is that the consumer may end up paying the price.

I would hope that the oil industry would not use this management technique to ring up huge profits on the backs of the American consumer.

In helping me prepare for any upcoming action in the Senate Energy and Natural Resources Committee, please explain why industry inventories of crude oil and petroleum products have been maintained recently so far below the usual level, and what effect ''just-in-time'' inventory management may have had in contributing to or aggravating the current price increase. In crafting your response, please explain why inventories were reportedly decreased so drastically in June and July of 1995. In addition, I would appreciate knowing whether the matter of low inventories or any other issues relating to the recent increase in the consumer price of gasoline have been the subject of discussions between representatives of your company and other officials in the industry. Finally, please provide any further information you feel may be useful to me and to the Committee in our review of this matter.

Thank you for your prompt reply.

Sincerely,

PAUL D. WELLSTONE,
U.S. Senator.

Mr. WELLSTONE. Mr. President, I will quote from sections of the letter:

Much has been said recently about the rise in the price of gasoline, attributing this rise to a number of factors. As you may know, the Senate Energy and Natural Resources Committee, of which I am a member, will hold a hearing to look into this matter on May 9, 1996.

That is next week.

My understanding of the industry position on this question is that several unrelated factors have led to the increase of gasoline prices: high demand for heating oil due to the long winter, seasonal refinery maintenance practices, refinery shutdowns, and the failure of Iraqi oil to enter the market as expected. Although all of these are credible explanations, there is an argument that runs counter to this position which I would like you to address.

This letter is in the spirit of all of us having the information we need to make responsible decisions.

Mr. President, what I am talking about is what ways this low inventory may have affected this spike in the prices that consumers are experiencing. Since there has been a lot of information that has been coming around, or at least a lot of speeches given, it seems to me one of the things we want to do as Senators, whether we are Republicans or Democrats, is get to the bottom of this and try to really understand the why of this spike, the why of this rather dramatic increase in gasoline prices.

These low inventories, really record low inventories, are something that I think we ought to look at. Undoubtedly, this saves money for the companies. But on the other hand, what happens if demand goes up at all with the inventory, the supplies, kept down by the oil companies? Then your supply-and-demand curve is such that it could lead to the very spike in prices that we are now experiencing in the country.

I have sent this letter to the oil companies. I am hoping that they will be forthcoming with the requested information. On May 9, in the Energy and Natural Resources Committee, I will put the questions to the oil companies. I hope they will be accountable. Those of us in the U.S. Senate, Democrats and Republicans alike, will have this information. I think it is a very important issue. I think it is extremely important that we understand what is now happening to consumers that we represent. I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. BRYAN. Mr. President, I understand my distinguished colleague, the senior Senator from Florida, wishes to speak shortly, but that he needs a little more time. If there is no objection from the floor managers, I will make some general comments about the bill at this time, if I may.

Mr. President, I think it is appropriate at this time, as we are, hopefully, nearing the conclusion of our debate on this important piece of legislation, to make some general observations and comments. First, to acknowledge the leadership of Senator SIMPSON. What has been accomplished, in my judgment, could not have been accomplished in earlier Congresses. I commend his leadership. Although the distinguished ranking member of the subcommittee has not been in agreement on all parts of the piece of legislation, I believe that Senator KENNEDY's role in this has been a constructive part of a process which, in my judgment, will make major changes in our immigration enforcement efforts.

Some time last year, I had the pleasure of testifying before the Immigration Subcommittee in support of S. 269, Senator SIMPSON's illegal immigration reform bill. I am pleased that the legislation that we have been debating these past few days essentially deals with the scope and the manner which the bill that I testified on last year covered.

I want to preface my remarks by reemphasizing a point that I made at the time, which I think is valid in the context of the debate this year. That is, that there are those who are critics of our attempts to reform the immigration laws in this country who suggest that our efforts are somehow meanspirited or even ''xenophobic.'' In my view, that is not only an unfair characterization; it is an opinion that is completely out of touch with the realities of our time.

The Commission on Immigration Reform, chaired by the late Honorable Barbara Jordan, responded to this in the 1994 report to the Congress in which she and the members of the Commission concluded:

We disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.

Mr. President, first and foremost, it is and it has always been the province, and indeed the responsibility, of the Congress to establish and to provide the means of enforcing our country's immigration laws and to do so in the national interest.

Since the Immigration Act of 1882, Congress has recognized the need to fashion immigration policy to fit the various public policy interests of the time. In the 19th century, our country depended on immigrants to build the railroads, to defend our unstable borders, and to populate the new frontier.

At the turn of the century, our immigrant population helped to fuel the Industrial Revolution and to promote economic expansion. As a consequence, immigrants were allowed nearly unfettered access to our shores during that same period of time.

As the needs of our country changed over the course of the early part of the 20th century, so, too, did our immigration policies. Although some of these policies were clearly the result of a racial animus, our legal immigration system has evolved into one that primarily is based on family unification and needed skills.

In spite of the Congress' best intentions, U.S. immigration laws have been violated on a massive scale over recent years. The Immigration and Naturalization Service estimates that nearly 300,000 undocumented aliens enter and remain in the United States permanently each year. That figure includes a substantial number in my own State of Nevada, estimated to be nearly 20,000.

The proposition 187 ballot initiative in California last year is an example of the frustration felt by many in that State over the failure of the Federal Government to enforce our immigration laws. The consensus that has emerged in this Congress and in the White House concerning the need to balance the Federal budget in 7 years has placed severe constraints on discretionary spending in the foreseeable future. As that discretionary pie continues to shrink, we must constantly reprioritize the spending allocations for many worthwhile spending programs that in whole or in part the Federal Government has been asked to support.

While rational people may disagree as to the overall societal cost associated with illegal immigration, it seems rather fundamental to me that limited Federal resources are better spent on those persons who have played by the rules and reside in our country legally.

I want to mention another aspect of unlawful immigration, one that is more difficult to quantify, yet clearly carries a price tag for us as a society. That is the cost to our environment. In many parts of the country, but particularly in the Southwest, the burgeoning population has placed tremendous strains on our natural resources. The quality of the air we breathe, the water we drink, and the land on which we live and recreate is directly related to population levels. Our ability to maintain a safe and healthy environment is constantly being challenged as those growth levels continue to increase. Unlawful immigration exacerbates these challenges in areas ranging from solid waste disposal to maintenance of our city parks.

Mr. President, I have cited several of the realities we face as a nation in order to put in context the need for the legislation that we have debated and, hopefully, we will pass later on today.

Quite simply, we must do a much better job of curbing the flow of illegal immigration, and that means both preventing illegal aliens from entering our country and deporting those who remained within our borders unlawfully. The legislation that we debate addresses both of these problems. It contains strong law enforcement provisions to assist in detaining and removing illegal immigrants, and, more importantly, it includes strong provisions relating to employer sanctions and verification systems.

I might just parenthetically acknowledge the support of Senator SIMPSON and Senator KENNEDY with an amendment which I added which has been included in the managers' amendment that deals with juvenile offenders who are here illegally and commit crimes that, if committed by adult offenders, would be serious felony offenses.

The fact that this provision has been accepted in the legislation, I think, will strengthen the hand of law enforcement and give us an additional tool to deal with those violent juvenile offenders who are here unlawfully who currently are protected under the provisions of the Family Unity Act and who now may be subject to the provisions which will enable a stronger effort to be made to return them to the country of their own origin when these serious felony offenses are committed.

The bill incorporates many of the recommendations of the Commission on Immigration Reform, as I alluded to earlier. It recognizes, as did the Commission, that the primary factor motivating people to enter our country illegally is the availability of jobs, jobs that pay more, often much more, than that in which an individual could expect to make in his or her native country.

While this legislation reflects the need to enhance our border security efforts by nearly doubling the authorized level of Border Patrol agents over the next 5 years, it also recognizes the fiscal and geographical constraints of patrolling the entire U.S. border.

Mr. President, the fact that more than half of all of illegal immigrants currently in the United States entered our country legally and subsequently overstayed their visas evidences the need to do much more than just to improve border security to stem the tide of illegal immigration.

The Commission on Immigration Reform found that the ineffectiveness of employer sanctions, prevalence of fraudulent documents, and continued high numbers of unauthorized workers, combined with confusion for employers and reported discrimination against employees have challenged the credibility of current work site enforcement efforts.

This bill recognizes an improved system to verify eligibility to work in this country must be developed. It includes provisions to reduce the list of documents that may be accepted by employers, and directs the President to conduct local or regional pilot projects on improved verification systems. The recommended system could not be implemented, however, until it was authorized by Congress.

The bill also contains provisions related to another recommendation of the commission, and that is the availability of public benefits to legal immigrants. The current law in this area, a version of which has been on the books for more than a century, provides that an immigrant may be admitted to the United States only if the immigrant provides adequate assurance that he or she is not likely at any time to become a public charge. The bill provides if an alien within 5 years of entry does become a public charge that immigrant may be subject to deportation.

This policy is consistent with the Commission's recommendation and with the philosophy we as a Nation admit legal immigrants, with the expectation they will reside permanently in the United States as productive residents. In addition, the bill provides sponsors should be held financially responsible for the immigrants they bring into this country. In making the affidavits of support signed by sponsors legally enforceable, the bill indemnifies the Federal Government and seeks to hold the taxpayers harmless of their current responsibility for providing for support.

Mr. President, I want to make it clear that I recognize the contribution immigrants have made to our society. With the exception of native Americans, we are all a product of our Nation's immigration system. That is why it is so important for us as a nation to establish and to enforce our immigration laws so that those who have played by the rules and followed the law are rewarded for their efforts. We can no longer allow aliens who enter or remain in the United States in violation of our immigration laws to effectively take immigration opportunities that might otherwise be extended to those potential legal immigrants whose presence would be more consistent with the public policy determinations made by this Congress about what is in our national interests.

Once again, Mr. President, I commend Senators SIMPSON and KENNEDY for their efforts in producing this piece of legislation. I look forward to supporting its enactment and its final passage. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3759 TO AMENDMENT NO. 3743

(Purpose: To suspend the requirements imposed on State and local governments if certain conditions prevail)

Mr. GRAHAM. Mr. President, I call up amendment 3759 which has been previously filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] for himself and Mr. SIMPSON, proposes an amendment numbered 3759 to amendment No. 3743.

Mr. GRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

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 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 determinatons described in subsection (b) shall be made, 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.

Mr. GRAHAM. Mr. President, before I commence my remarks on this specific amendment I will provide some context. I strongly support the efforts that have been made and that are being made in this legislation to stem the tide of illegal alien entry and continued presence in the United States of America. Clearly, it is a national responsibility delegated singularly to the Federal Government under our U.S. Constitution to protect our borders and assure that in all areas, including immigration, that we live by the rule of law and not by the rule of the jungle.

What concerns me, from the State which has experienced the adverse effect of illegal aliens to a greater extent that any other State in the Nation has done so, and who feels so passionately about the national responsibility to enforce our laws and protect our borders, what concerns me is that in this legislation which is labeled, which has on its book jacket the phrase ''illegal immigration,'' when you open the book, look at the individual chapters, there are significant provisions that do not relate to illegal immigration.

We dealt with one of those provisions earlier this week when we eliminated the provision in the original bill that would have essentially terminated immediately the Cuban Adjustment Act, an act from 1966 to today which only is available to people who are in this country with legal status. That is not the only example in a book which has in its title ''illegal immigration.'' Its chapters have provisions relating to people who are in here, having followed the law, having followed the rules, paying taxes, doing all the things that we expect of law-abiding residents within the United States. Most particularly, Mr. President, those provisions that affect legal aliens come into play in the aspect of the eligibility of those legal aliens for a variety of programs which have some degree of Federal financial involvement.

I support, also, the principle that the sponsors of this legislation have articulated on repeated occasions that we should look first to the person who sponsored the alien into the country as being the financially responsible partner, for their needs to avoid the necessity of that individual becoming a public charge. That is a desirable and, frankly, too-long ignored principle. Our courts have ruled as recently as 2 years ago that the current affidavit of sponsorship is not legally enforceable. This legislation will hope to breathe the fire of enforceability into that affidavit.

My concern, Mr. President, is not only that we are dealing with legal aliens in a bill described as illegal immigration, and carries with it all of the momentum and all of the emotion and passion that that title brings, but also that we are placing the Federal Government in a position of being the deadbeat dad of immigration. And how is that? The Federal Government determines how many legal aliens can come into this country. The Federal Government determines under what conditions they can come and under what conditions they can stay. None of those decisions can be influenced by the local community, whether it is Dayton, OH, or Dade County, FL. None of those can be influenced by a State. They are totally national judgments, and we made several of those judgments in the past few days here on the Senate floor.

We are now saying that we are going to look primarily to the sponsor to pay the cost of that sponsored alien. But what happens if that sponsor is unable, unwilling, or cannot be found to carry on that responsibility? The way the structure of this bill is, you determine the financial condition of the sponsor, and since this bill says nobody can sponsor an alien unless they are at least 125 percent above the poverty level, and since for most of the programs of eligibility you have to have less than 125 percent in order to qualify—for instance, Medicaid—in most States, unless you are in a special category such as a pregnant woman or a child, you have to be substantially less than 100 percent of poverty in order to qualify. So, by definition, almost every one of these legal aliens with a sponsor's income is going to be rendered ineligible for needs-based programs in which the Federal Government is a participant.

But what happens when the reality is that the sponsor is unable or unwilling to meet the obligations of the sponsored legal alien? The most likely area in which that is going to occur is going to be health care. Most sponsors will be able to meet their obligations in terms of providing food, or shelter, or other basic necessities of life, but what happens when that alien is diagnosed as having cancer? What happens when that legal alien is seriously injured? That is when that sponsor, at 125 percent of the poverty level, is not going to realistically be able to meet those needs.

We have a Federal law that says that any American person—not just a citizen—any person can go to a hospital and get emergency treatment regardless of their financial condition. That is exactly what is going to happen with that legal alien with cancer, or a serious accident, or if they become pregnant and they cannot afford the cost of delivery. They are going to end up at a hospital with their medical condition and unable to pay and the sponsor being unable to pay.

Now the Federal Government has washed its hands of that responsibility. We are the ''deadbeat dad'' of obligations of legal aliens. But somebody is going to pay. That somebody is going to be the hospital or, more likely, the local community and the State and their taxpayers in which that hospital is located.

So the issue is not should the sponsor be responsible. Yes, the sponsor should be responsible, and we are helping to make that more likely. But the question is, what happens when the sponsor, for a variety of reasons, is not there when the bill comes due? The fact is, what is going to happen is that there will be a new unfunded mandate imposed upon the communities in which the legal alien lives.

We also have some unfunded mandates, Mr. President, that you spoke to eloquently yesterday relative to new responsibilities on businesses. We are not willing to pick up all of the cost that it is going to take to implement many of these programs, including the verification programs. So we have said, in addition to asking local governments and States to have to pick up additional costs, we are going to shift some of these costs off to the private sector and let them pay for it. I do not think this is a fair allocation of what is

a constitutional Federal responsibility for our immigration laws.

So, Mr. President, as I begin my comments on this specific amendment, I want to make it clear: I think we ought to have the strongest laws and commitment to enforce those laws against illegal immigration that are available to us. I think that it is appropriate to ask sponsors to be primarily responsible for legal aliens. I do not think we ought to be doing it in this bill. As a matter of policy, it is a desirable objective, but I do not think that we ought to be setting up a circumstance in which the Federal Government essentially shirks its financial obligation and adds that obligation to the communities in which legal aliens are living and to the business sector which is now going to carry new responsibilities for verification.

Mr. President, the first priority of the Senate during this 104th Congress was S. 1, the very first bill filed at the desk, S. 1, and the title of that was the unfunded mandate reform bill of 1995. It was also included as a top priority in the House of Representatives, and it passed both bodies in the first 100 days of the 104th Congress. At the time we considered that legislation, the majority leader of the Senate said, and I quote:

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

I strongly concur in the statement of our majority leader.

What does that statement now have to say about the legislation that is before us this morning? The Congressional Budget Office, in the limited time available to it to review the legislation's broad, sweeping impact on State and local governments, has determined that this bill, S. 1664, does in fact violate the $50 million threshold for tripping into effect the unfunded mandate procedure. That $50 million is found just in two areas: the requirements governing increased expenses for birth certificates, and driver's licenses. Although the bill would impact literally hundreds of programs run by State and local governments, just these two—birth certificates and driver's licenses—would have an unfunded mandate on State and local governments in excess of $50 million.

With respect to all of the encompassing requirements imposed under this legislation, the Congressional Budget Office states:

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

Let me repeat. ''These costs could be significant.''

Mr. President, S. 1664 fails the majority leader's truth-in-advertising test. We are prepared to vote on a bill that we truly have not the foggiest idea what its impact will be on State and local governments. We certainly are extremely concerned and strongly supportive of raising the issue of unfunded mandates.

As a result, I have offered the amendment which is currently before the Senate that would waive the imposed and mandated bureaucratic requirements if the Federal, State, or local administering agency makes one of these three determinations: a determination that the cost of imposing the requirement exceeds the benefit; second, that Federal funding is not sufficient to cover the cost of the imposed requirement; or, third, that the application of the requirement would delay or deny services to the otherwise eligible legal immigrant in a manner that threatens life, safety, or public health.

Mr. President, I have a letter dated April 24 from the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities. This letter strongly supports the pending amendment. In it, these three organizations write:

This assures that new deeming mandates are cost effective and not unfunded mandates. This is a critical test of your commitment to preventing cost shifts to, and unfunded administrative burdens on, State and local governments.

The U.S. Conference of Mayors also supports this amendment. In short, this bill, once again, creates a large unfunded mandate on State and local governments. Once again, I repeat the quote from the Congressional Budget Office:

Given the scope and complexity of the affected programs, CBO was not able to estimate either the likelihood or the magnitude of such costs at this time. These costs could be significant.

Mr. President, the only study as to what these costs may be comes from the National Conference of State Legislatures. These are our colleagues, fellow legislators in State capitals across the land. Many of us had the privilege, at a previous time, to have served in a State legislature. We know the difficult choices that they must make in terms of balancing limited resources at the State level, because they do not have the option, as we do, to deficit finance their programs. So they are very concerned about unfunded mandates that distort priorities.

The CBO had a limited time, as did the National Conference of State Legislatures, to do its study. But the NCSL developed a report on 10 affected programs. This study, incidentally, did not include Medicaid and did not include 40 other Federal means-tested programs which will be covered by this legislation. But what did it find in the 10 programs that were studied? After contacting more than 10 States of varying sizes, the study concludes that:

Regardless of the size of the immigrant population, all States and localities will have to implement these unfunded mandates.

In other words, this bill impacts Sioux City, IA, and Billings, MT, just as it does Los Angeles, CA, or Miami, FL. This bill requires all Federal, State, and local means-tested programs to have a new citizenship verification bureaucracy imposed upon them—even those areas which have very few aliens. As a result, what are the estimated costs being imposed on State and local governments, even for just the 10 programs that the NCSL has studied? According to the study, ''The cost of these requirements for 10 selected programs would result in a $744-million unfunded mandate.'' A $744-million unfunded mandate.

Mr. President, let me repeat that the NCSL study indicates that the unfunded mandate cost of 10 programs will be $744 million. Once the other multitude of programs are analyzed, the cost on State and local governments could far exceed a billion dollars. It could be several billion dollars. Nobody has the foggiest idea.

However, there are no provisions in the pending legislation to reimburse State and local governments for the administrative costs and the cost shifts that will be imposed upon them. As the majority leader said, again, in debating the unfunded mandate bill:

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

Those words were a ringing declaration of purpose in January 1995, which I think we should now recall in May 1996. All programs in all places, regardless of whether the new bureaucratic costs exceed the benefit, regardless of whether it imposes a very large unfunded mandate on State and local government, are impacted by this bill.

Some examples: Foster grandparents in Bismarck, ND, or a van to check the blood pressure of poor, pregnant mothers in Topeka, KS, using alternative child care health funding. These are examples of programs that have Federal funding that would now be subject to the verification requirements of this legislation. The local jurisdictions with few if any aliens would have to verify immigration status and sponsorship information, regardless of that fact.

My amendment would allow the State or local administrative agency, or the Federal agency, to certify and waive out of the bill's requirement in such a case where the cost of implementation clearly exceeds the savings that are contemplated. This amendment recognizes that one-size-fits-all policies do not work and are not cost

effective—a recognition of a basic tenet of this country's federalism.

This amendment would also recognize that this may be virtually no savings—something that the Congressional Budget Office has verified in its scoring of the bill's savings in certain programs. For example, the maternal child health block grant funding is often used to augment services provided by the public health department for preventive health care services aimed at pregnant women. However, since the maternal child care program is capped—that is, there is a maximum expenditure—there would be no Federal savings by imposing any additional administrative requirements. Again, CBO estimates no cost savings by imposing deeming in the maternal child care program. But administrative costs would certainly increase substantially for public health units across America.

In such a case, despite the fact that the Federal funding to the public health department would account for as little as 1 percent of total funding, all of this new bureaucracy would be imposed. The added cost of administering deeming, for example, in such a program could exceed all of the Federal funding that goes into the program. This is neither prudent nor something which I believe our colleagues would think is sufficient government.

Moreover, this amendment is entirely consistent with statutory language, which provided that the implementation of the system of alien verification—the SAVE Program—was administered. Under the SAVE Program, States could be waived from the program upon a determination that implementing SAVE would cost more money than the savings that would flow from such implementation. So we already have, in the immigration law itself, an example of recognizing a cost-benefit relationship, and that cost-benefit relationship will differ from one community to another.

In addition, the amendment would allow the appropriate Federal, State, or local agency to suspend the application of the bill's administrative requirements upon the determination that the application requirement would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

For example, the determination could be made that the alien sponsor's deeming requirement should not be applied on a temporary basis with respect to short-term disaster relief, because it could delay essential aid to citizens and aliens alike who are disaster victims. In the case of a major natural disaster, which could occur with little or no prior warning, a person's home can be destroyed in short notice. One's lost possessions could include proof of immigration, citizenship status, or financial information.

Without this amendment, emergency food or housing vouchers could not be provided to a disaster victim until the alien's citizenship status and sponsorship information has been verified, which can take weeks. It would also relieve an undue administrative burden on disaster relief agencies that would presently have to verify immigration status and sponsorship information during the course of dealing with the disaster in its aftermath. The ultimate victims of such administrative burdens would be the disaster victims themselves, who would have to wait longer to receive services.

Mr. President, we passed the unfunded mandate bill as our first priority. The National Conference of State Legislatures, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors have said, ''This is a critical test of our commitment to the unfunded mandate law we passed.''

To be against this amendment would be to argue that we should impose costs that exceed the benefit, to impose unfunded mandates on State and local governments and to deny or delay services even if they threaten life, safety, and public health. I cannot believe that anyone in this Chamber believes that those would be wise or prudent courses of public policy.

I urge the adoption of this amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, this is like a symphony. We are returning once again to the central theme: This is about deeming, and it is about the sponsor paying what the sponsor promised to pay.

I hear every one of those remarkable and compassionate examples that the Senator from Florida portrays. I know him well. He believes deeply in this. He is a caring person, and he obviously is receiving a great deal of information from his State and from those who administer health care in his State. I understand that. I understand it all.

However, I understand something even more clearly, and that is this. We are talking about legal immigrants, and a legal immigrant cannot come to this country, cannot get in until the sponsor has promised and given an affidavit of support that the person coming in will not become a public charge and that whatever assets the sponsor has or income that the sponsor has are deemed to be the assets of the legal immigrant.

Too bad we have come to the word ''deem.'' The word ''deem'' seems to confuse people, but I think with the votes we have had the last few days, or 2 or 3 days on this same issue, they are not confused.

Deeming means that if your sponsor has money, his money is considered your money when you go down to get relief from the taxpayers. I do not know how that seems to escape the debate. When you walk up to get money from the Federal Treasury, from the rest of us, why should the rest of us cough up the money when the sponsor has not done it yet, or has not run out of money himself or herself?

That is the issue. There is no other issue.

Now, what if the sponsor is in trouble? What if the sponsor cannot cut the mustard? What if the sponsor says: I did agree to bring this person to the United States and I did agree that they would not become a public charge, and I did agree to sign an affidavit of sponsorship, and I promised to do that, but I cannot do it. I have had a bankruptcy. I have lost my job. I cannot do it.

And what happens then? That is it. The sponsor is off the hook, and the taxpayers pick up the load. Nobody is saying that these people wander around in the streets; that they do not make it; that they are not going to make it. All we are saying is whatever the program, if the sponsor has the assets and the income stream and can afford to pay, that sponsor will pay before the taxpayers of the United States pay anything, regardless of what it may be, with the exception of what was in the managers' amendment, which was in the committee amendment, which was about soup kitchens—that is in there. We do provide that—and there were several other items, and Senator KENNEDY will recall what those are.

If this is one that I guess our colleagues do not understand, then I think we have failed in the debate, and people may vote it certainly either way. But I urge my colleagues to defeat this amendment. It is one more amendment on deeming. The amendment would allow State welfare agencies to avoid the requirement to deem if the State agency itself—now listen to that—it is the State agency itself determining that, one, the administrative costs would exceed the net savings or, two, that Federal funds are insufficient to fund the administrative costs, or, three, that deeming would ''significantly delay or deny services in a manner that would hinder the protection of life, safety, or public health.''

The enactment of the bill itself would create a congressional requirement for deeming, for Federal and all federally funded programs, and that requirement is based on the basic belief that after immigrants are admitted to the United States they should be self-sufficient. It is based on the belief that when immigrants need assistance, such assistance should be provided, first, by the immigrant's sponsor who made the initial promise, and if they have not made the initial promise, these people would not have been admitted to the United States. That was the sponsor's promise. That was a condition of the immigrant's admission to our country, a very generous country. And I do not feel it should be up to a State welfare agency or even a Federal welfare agency to decide that such deeming should not be required.

Let us face the real basic fact. You have some agencies in some States and,

boy, they have a tremendous drain—I am sure Florida is one—created by a legal and illegal immigrant population, created by parolees, created by Cubans and Haitians. I understand that. I do understand that. And that is why we provide and always have provided in this work for extra money, extra money always for Florida, California—I remember that in the original bills. I remember that. But let us face the facts. Those agencies, for the best of motives, are far more interested in spending money than in saving it.

Mr. President, if the Congress decides that deeming is not appropriate for particular programs or particular classes of immigrants, I think then and only then the deeming should not be required, but it should not be done by State fiat.

Let me just say a few words about the issue of administrative costs. The Senator from Florida mentions the administrative costs to the States of the deeming requirements. I remind my colleagues the deeming requirements only apply to programs that under current law are means tested.

The effect of deeming is that when an immigrant applies, as I say, for assistance, he or she must report to the provider not only his or her income and assets but also that of the sponsor. That just adds another line or two to the application form. So to be told that this is a terrible administrative burden, here is how I foresee it. You fill out the form, and it says on there your assets and your income. You fill it out, and you add two new lines: Do you have a sponsor in the United States of America? If the answer is yes, you say, what are the assets of your sponsor in dollars? And you enter it. And the second line: What is the income of the sponsor? And you enter that.

That does not seem to me to be a great administrative burden. But, how deeming is enforced, and I hear that argument, how agencies determine whether applicants are telling the truth, of course is another matter, as we all know.

I assume various agencies will have different enforcement policies, as they do today. Some may require verification of income levels from every applicant. Some may adopt an audit-type approach similar to that of the IRS. I do not understand why the bill would lead to any change in that situation. Enforcement policy would be determined by the agency involved. It appears likely to be similar to current practices. If an applicant's own income must be verified, and I assure my colleague that is always the case, then the income of the applicant's sponsor also is likely to be verified also. That is the extra administrative burden, and the purpose of it is to find out what they have, and if they have it you make them pay it before the rest of us pick up the tab for people who promised to pay for them when they came here or they could not have come here unless they made the promise.

I do not know—and I respect greatly my friend from Florida, and certainly consistency and persistency are his forte—but I just think the American public has a lot of difficulty wondering why the general taxpayers have to pick up the tab for anything on someone who came here on the sole promise that their sponsor would take care of everything and that they would not become a ''public charge.'' Now, under the present bill, if they become a public charge for 12 months out of the 5-year period they can be subject to deportation, with certain clearly expressed exclusions.

I regret being in a position where one would have to be portrayed as, ''Why are you doing this?'' We are doing it only because I think Americans understand something about taking care of others. Our budget this year is $1,506,000,000,000 so we must be taking care of someone in the United States of America; $1,506,000,000,000. Food stamps, cash, noncash, I vote for those things and will continue to do so. But I do not know why I should do it if someone agreed to pay it before I had to pay it. I guess I have enough regard for my own promises, that if I promise to bring people to the United States and pay for them and they went down to get some kind of means-tested assistance or welfare, I would be embarrassed that I could not cough up the money to do it because they are probably relatives of mine and I promised they would not become a burden on the taxpayers. I would keep that promise. I have done that with relatives of mine. I do not know why that should be the responsibility of others. And that is where we are and that is what deeming is and there is a reason for it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senator from Florida is really putting his finger on a different issue, and it is a very real issue for anyone who considers, in this instance, large public hospitals. I think all of us understand the real crisis public hospitals have in serving the needy in all of our great communities and cities.

As I understand the point of the Senator from Florida, if someone is a legal immigrant and has a sponsor and arrives at the Boston City Hospital, that person is going to be treated right away. As the Senator pointed out, we are required to treat him, but it is the hospital policy, in any event, to treat that individual. So they get treated right away. Their emergency is attended to. Now the hospital goes about saying, ''How are we going to recover the payments for it?'' It goes to the individual. That person happens to be needy, happens to be poor, and happens to be a legal immigrant.

The point, No. 1, Mr. President, is that the foreign-born immigrants in the United States represent 6 percent of the population and only 8 percent of the utilization in the Medicaid Program. We do not find the abuses in the Medicaid Program. We do in the SSI, which has been addressed in this with effective measures over the period of the next 10 years. But this program we are talking about is not more heavily used by legal immigrants than it is by American citizens. We have to understand that.

We are not going to take the time of the Senate to demonstrate how legal immigrants pay in billions of dollars more than they ever benefit from in terms of taxes, which they are glad and willing to do.

We are talking about that individual who has fallen on hard times and has some kind of unforeseen accident. All right, that person goes in and they are attended to. Then the hospital has to set up some process and procedure—which is going to cost them something, which is not going to be reimbursed by this bill—to go on out and find out who that sponsor is. That sponsor may be in a different part of the country. He or she may be glad to participate and pay for those medical bills.

But, on the other hand, that sponsor may have died, may be bankrupt, may be in another part of the country and refuses to respond. Our concerns are what is going to happen to that city hospital? What is going to happen to that city hospital when that city hospital does not get paid by the individual, does not get paid by the sponsor, and has to go to court? Who is paying the court fees to try to get the money?

I am sure the Senator from Wyoming would assume the responsibility that they have assigned. But suppose that individual is in some financial difficulty. That would have been very easy, in my part of the country, during the 1980's, when we were having a serious, serious recession. That person comes in and the hospital cannot recover. So, what do they do? They serve primarily the poorest of the poor, the uninsured. Even though there is not overutilization of the Medicaid Program, there are many hospitals like the public hospitals, like a good hospital that serves—particularly city hospital, in Cambridge, that serves about half our foreign born—that would have very substantial additional costs.

Over the 6-year period, the Boston City Hospital estimates that the additional costs will be $26 to $28 million. We cannot say that to an absolute certainty. But looking over their lists, and at a quick review, they estimate that is the additional cost to the Boston City Hospital. And there is not going to be any additional help and assistance for Boston City Hospital.

Senators can say we do not want the taxpayers to pay. They are going to end up paying in that local community, the taxpayers are going to end up paying. All we are saying is, unless we are going to provide at least some recognition of this problem, if that is going to be the case, then do not jam it

to the health institutions that are providing for the neediest people in our society. That is, effectively, an unfunded mandate, as far as I can see. It might not fall within the particular scope of the legislation that was passed. I understand that. And perhaps technically it does not. But the idea that we around here some months ago were saying that at least the Federal Government is not going to do something to States and local communities, or in this instance the city of Boston and the Boston City Hospital—''We are not going to give you something that you cannot afford to pay for''—is not so, with regard to this particular provision.

You can ask any administrator at any public hospital in this country. They have an interest in trying to, No. 1, provide health services. But, also, to be able to provide them, they are going to have at least some kind of financial assurance they are going to be able to do it.

They are going to end up either trying to pass the costs on to others who have insurance, and most of them in the inner cities—many of the clinics in rural areas just are not going to do it. We are going to see a deterioration in the quality of health care. People ought to understand it. That is what is going to happen. We can say it is not going to happen, that that hospital in Boston is just going to pick up that piece of paper and say, ''Oh, it is John Doe, he has $25,000 in a safety deposit box and he just cannot wait to pay that hospital.'' That is unreal.

We are talking about the real world in many of these urban areas, whether it is in Florida or the hospitals in Los Angeles or Boston City Hospital, Chicago, San Francisco—any of them. They are in crisis, in any event. Given the additional kinds of responsibilities that they have had to treat people who have preexisting conditions, or who are the subject of violence and battering, which has grown and exploded, or substance abuse in those communities, or HIV infections—all of these problems fall on the inner-city hospitals. That is the reality of it.

To think these overtaxed medical professionals are going to be able to run through this gamut to find that person who is deeming and bring court cases and recover those funds, good for them when they can do it. But the purpose of this is to recognize you are still going to insist these hospitals are going to end up holding the bag, and that is unfair.

As I understand the amendment, it says if that is the case, after they made every effort to try and recover and that is the case, that this is going to be at least suspended until we address that particular issue. It seems to me that happens to be fair.

Finally, as I mentioned earlier, Mr. President, if this looks like a duck and this quacks like a duck, it is a duck. This is a requirement on State and local communities and local institutions to take actions for which we are not providing the resources. There is not a nickel in here to either try to help the State of Massachusetts or Suffolk County or the public hospitals in Boston to help relieve them when we are tightening the belt.

I think the point is well taken on this issue. I think we should recognize that and support the amendment of the Senator from Florida.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, just a query. What is the plan here? Is it to stack votes? What is the arrangement going to be?

Mr. SIMPSON. Mr. President, I have not visited with our majority leader, but the plan is to conclude the debate on the pending amendments. So I am ready to set aside the pending amendment and go immediately to the amendment of the Senator from Rhode Island, if that is appropriate.

I believe there is one other amendment to be offered by Senator DEWINE. There is a Senator Chafee amendment. There is the Graham amendment. The Simpson-Kennedy amendment is pending. We would like to complete the debate.

So, if the Senator from Rhode Island would like to offer his amendment at this time—we can set aside and continue debate later on the Graham amendment with no time agreement. We will try to get a time agreement on these various measures. If the Senator wishes to enter into a time agreement, I would enjoy that opportunity.

Mr. CHAFEE. Mr. President, I am willing to enter a time agreement of 20 minutes equally divided, with the understanding that if I do need a couple more minutes, the Senator will be good enough to let me have that. I will sure appreciate it.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senator from Rhode Island offer an amendment with a time agreement of 20 minutes equally divided, and if the Senator should require more time, I will yield sufficient time from what little time I have left. What is the status with regard to my time, Mr. President?

The PRESIDING OFFICER. The Chair will answer the question of the Senator from Wyoming. He has 34 minutes remaining.

Mr. CHAFEE. Under the system of the stacking, will there be the usual system of when we do vote, we will have a minute to each side to explain?

Mr. SIMPSON. Mr. President, when we eventually enter that unanimous-consent request, indeed there will be the usual provision and assurance that there will be 2 minutes equally divided.

The PRESIDING OFFICER. That has already been ordered. The Senator has asked unanimous consent for 20 minutes equally divided. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator GRAHAM's amendment be temporarily set aside.

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

The Chair recognizes the Senator from Rhode Island.

AMENDMENT NO. 3840

(Purpose: To provide that the emergency benefits available to illegal immigrants also are made available to legal immigrants as exceptions to the deeming requirements)

Mr. CHAFEE. Mr. President, I have a very simple amendment. Some will say we have been over this ground before. I do not think that is quite accurate in that this is far narrower—

The PRESIDING OFFICER. Is the Senator from Rhode Island calling up his amendment?

Mr. CHAFEE. Amendment No. 3840, and I ask unanimous consent that Senator MACK be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. MACK, proposes an amendment numbered 3840.

On page 201, line 4, strike ''(vii)''.

Mr. CHAFEE. Mr. President, as I say, this is an amendment that is far narrower than any other amendment that has been brought up in connection with this matter that we have been discussing.

I hope that the floor managers of this legislation will accept this amendment. What it does is it says in those areas where illegal aliens—illegal—who have come in unauthorized into the country are entitled to certain benefits in four categories—emergency Medicaid, prenatal and postpartum Medicaid services, short-term emergency disaster relief, and public health assistance for immunizations, all of these are emergency health matters—all of these are granted to illegal aliens, and I am saying they ought to be granted to legal aliens.

If we let those who have come into the country illegally have these services, then certainly they ought to be available for legal aliens who properly came in under all the right procedures.

There will be considerable discussion, I suspect, about deeming, about saying, ''Well, their sponsors ought to pay for these things.''

First of all, in a straight matter of equity, if you are illegal, you get them for free or you are able to qualify under whatever the qualifications are under these programs, and it seems to me if you are legal, you should be entitled to the same thing.

You do have situations where a legal immigrant is reluctant to go to his or her sponsor for support in certain matters. We have determined by the fact we are granting these privileges to illegal aliens, we are doing it not because we have great big good hearts, but because we think it is good for the country. We think it is good that illegal

aliens get immunization shots, and certainly if that is true, for the benefit of the Nation, for the benefit of the public health, then the same ought to apply to legal aliens.

So there it is, Mr. President. It is strictly an equity matter, if you will. It is strictly a public health matter, likewise. We think it is worthwhile for illegal aliens to get proper prenatal care, and if we think that is true for illegal aliens, certainly it ought to be true for legal aliens.

This is not a budget buster. This is not going to drive the national debt through the sky. These are very narrow, very limited matters, far more limited than any of those that have been brought up in past amendments.

This is not replaying an old record. This is a very, very defined group of benefits, and I hope that the floor managers will accept it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, there is no one more sincere in his beliefs than my friend from Rhode Island. He is a man of great integrity and courage, and I admire his strength as he does his work. He is good at it.

This is another one of those amendments—this is my view of it, which I get to express—this is exactly what this is, another form of this amendment, of what we have done before in six previous votes and will do again.

We are considering an amendment which would have the effect of shifting cost from the persons who sponsor immigrants, usually their relatives. We are shifting that to the American taxpayers.

This argument of how could we possibly do this for illegal aliens and not do it for legal aliens who are paying and doing their share is a great argument. The reason we allow illegal aliens to receive certain benefits, if the alien is needy, is because most Americans are like Senator JOHN CHAFEE of Rhode Island or Senator AL SIMPSON of Wyoming. The issue is, they should have that basic support system if they are needy.

I have voted for that consistently. There were some in the House of Representatives who did not want to consistently stay with that support level. I have never been of that category. Most Americans, almost all Americans, would agree that that is a wonderful thing to do for illegal aliens who are here and who are needy.

The immigrants, the legal immigrants, can also receive all of those benefits, too, if they are needy. I hope you hear this. I think I will never make it through any more of it. If a legal immigrant is needy, they will get everything in the left-hand column. I hope you hear that.

But if they have a legal sponsor who said that he or she was bringing these people here only on the condition that they would not become a public charge, then when that legal immigrant goes in to get a means-tested program, cash or noncash, they say, ''Are you needy?'' and he says, ''I am.'' They say, ''Do you have a sponsor?'' ''I do.'' ''Does your sponsor have any money?'' ''Yes.'' ''How much? List it.'' If that sponsor has funds, that sponsor will pay the bill and not the rest of us.

It is then a confusion, I guess, for people. It is deemed that the sponsor's income and assets are the assets and income of the legal immigrant. So when they go to get those benefits, they are not going to get them if the sponsor has money. If the sponsor does not have money—and I want this very clearly heard, because the Senator from Massachusetts is saying, what will happen, what will happen if the sponsor does not have the money, cannot meet the obligation?

Ladies and gentlemen, it is very clear what will happen if the sponsor cannot cut the mustard and something has happened to the sponsor, the sponsor is sick or ill or bankrupt or whatever, then the sponsor is off the hook. That is listed in this bill; a determination that, if the sponsor cannot meet the obligation that they assumed in the promise, once that determination is made, then the U.S. taxpayers will pick that up.

That is the purpose of our effort. The issue is just as simple as it always was: Sponsor or taxpayer; take your choice.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. There are two points I would like to make.

First, Mr. President, why in the world do we provide these benefits for illegal aliens if we do not think they are important for the national health and benefit of the Nation? I mean, we have decided as a nation that it is important that any woman have proper prenatal care because we want that baby that is born to be healthy, healthy when born, healthy throughout its life.

So we do not argue, we do not say, ''You're here illegally. Go back to where you came from.'' We say, ''You're here illegally, and we're going to see that you get proper prenatal care. We're going to see you are immunized.'' That is one of the provisions we have made here.

So, if it is that important that we are going to pay for that person, then it seems to me likewise for the person who is here legally—without going through a lot of song and dance about the sponsorship or deeming or tracing that person down, making sure that sponsor pays for it—get it over with, give them the immunization.

I say, Mr. President, that this is not something new I am bringing up here. In two of these categories, as you note on this sheet here, that the managers of the legislation in committee or on the floor, or someplace, have agreed to, is the fact that the legal alien should indeed get two of these benefits.

What are they? Nutrition programs. We say the illegal alien is entitled to the nutrition programs. And we say the legal alien is likewise entitled. You do not have to go to your sponsor or get involved with this deeming business. You just get it. Nutrition programs. If a nutrition program is important, it seems to me an immunization program is just as important.

So, Mr. President, to me this is not any budget buster. This is very narrow. This is not your entitlement for all of Medicaid. It is very, very limited. I hope, Mr. President, that the managers of the bill will accept the amendment. I want to thank the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I will make a statement. But first, I inquire from the managers if we are making any progress on this legislation.

Mr. SIMPSON. Mr. President, after serving as this leader's assistant for some 10 years, I do know that he does desire to move things along rather adroitly. We are ready to do that.

Let me share with my respected leader where we are. No one has come over to debate on the Simpson-Kennedy amendment, so I think we are ready to proceed with that. I think we are nearly concluded with regard to the Graham amendment—I think maybe another 5 minutes or so. The DeWine amendment is an amendment about coerced abortion in China. I think it is out of order. Respectfully I say that. A point will lie toward that. I do not know if the Senator will be coming to address that. I think he will.

Then we have the Chafee amendment under a time agreement which is nearly expired. That is it. So I am sure that that is cheerful news for the leader. There is a point of order, too, I share with Senator DOLE.

Mr. DOLE. I think a point of order by Senator GRAHAM. So do the managers anticipate when we might be voting on some of these amendments? I know we have a conflict this afternoon. I know from 2 to 3 there is a ceremony honoring the Reverend Billy Graham. Then I think at 4:30—unless that is going to change.

Mr. CHAFEE. At 3:45 we go down.

Mr. DOLE. At 3:45, a number of our Members need to go to the White House. I guess my point is whether we can have all those votes between 3 and 3:45. There will be an effort to move that White House meeting to a later time, because I assume the managers would like to finish this bill, too, so we would not have to come back at 6 o'clock after the White House meeting and have votes to 7, 8, 9 o'clock. We are just trying to be helpful to the managers. I know you have done an outstanding job, and it has taken a great deal of time to move action on the bill.

Mr. SIMPSON. Mr. President, I thank the leader.

I think that would be an appropriate scenario. I hope that might be part of

a unanimous-consent request, with that time set, with a 15-minute first rollcall vote, and 10-minute votes thereafter. There will be four votes and a point of order, with a 1-minute explanation on each side of the three following votes, not the first one. We would be ready, I think, to propose that.

Mr. DOLE. Let me have drafted a consent agreement. I will show it to both Senator KENNEDY and Senator SIMPSON. Perhaps if we could somehow arrange to move the White House meeting 45 minutes, we could do all the votes between 3 and 4:30 and then move on to the next item of business.

Mr. CHAFEE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. DOLE. We are prepared to accept that.

Mr. CHAFEE. I am prepared to yield back the remainder of my time on this.

Mr. SIMPSON. I will just take another 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that we proceed to the Chafee amendment.

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

The pending business is the Chafee amendment.

Mr. SIMPSON. Mr. President, in this rather unique 2 minutes, I want to go back to the chart of Senator CHAFEE, if I may. I have been given this stick. I want to tell you in 2 minutes that these people here, under the category ''legal immigrant,'' ''no, no, no,'' that these people are taken care of. They receive emergency Medicaid, they receive prenatal postpartum Medicaid services, they receive short-term emergency disaster relief, public health assistance, and the sponsor is paying for them—not the taxpayer. These people are not deprived.

When we say how can they be receiving something that the illegal is receiving, they are receiving it, but we are not paying for it because the sponsor that agreed to bring them here and pay for them to not become a public charge is paying for them. The reason we do this for illegal immigrants is because we are a very generous nation. I have voted for all of that. I am not generous to somebody who brings someone here and says they will pay the whole tab and they do not.

Mr. CHAFEE. Mr. President, I ask unanimous consent for an additional minute.

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

Mr. CHAFEE. Mr. President, I want to stress once again that these are all emergency or health-oriented measures. Emergency Medicaid, prenatal Medicaid services, short-term disaster relief, nutrition programs, immunization. We do not want these legal aliens hesitating to apply for those because they are reluctant to go to their sponsor, because they are a long distance from their sponsor, because their problems might involve with just going to their sponsor to start with. We want them immunized. We want them to have prenatal care.

We will not spend a lot of time asking a lot of questions. We have decided as a nation, not just out of generosity, but for the rest of us who are here, that we want illegal aliens, immigrants, immunized so that we will not have a whole series of infectious diseases passed around. Certainly we ought to have the same requirement or hope that the same thing will apply to the legal aliens.

Mr. President, that is the argument. On the basis of fairness and the basis of public health protection, I hope we support the amendment.

Mr. SIMPSON. Mr. President, I think at this point we will say debate on this amendment is concluded and it will be voted on in accordance with the unanimous-consent request which will be propounded shortly. I thank the Senator from Rhode Island very much.

Mr. CHAFEE. May I ask the Chair, is now the time to ask for the yeas and nays?

Mr. SIMPSON. Perfectly appropriate. You require one person from the other party, if I am not mistaken.

The PRESIDING OFFICER. The Senator from Wyoming is correct.

Mr. SIMPSON. We do now have a Senator from the other side.

Mr. CHAFEE. 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.

AMENDMENT NO. 3759

Mr. SIMPSON. Mr. President, I direct my comments now to the amendment of Senator GRAHAM. I conclude in my remarks, I do not believe that the Federal Government is going to be a deadbeat dad in this situation. In fact, I am reminded of the old road sign, the picture of the very dapper-looking Uncle Sam that says, ''He's your uncle, not your dad.''

We are a very generous nation. Medicaid has been picked to bits by the States. Medicare has been picked to bits and will go bankrupt in the year—originally we were told 2002; now we are told it will be 2001; now the other day it will be 2000. We can talk about this all day and there will not be enough to do anything unless we deal with the entitlements programs. You will not want me to give that pitch again—deal with Social Security, deal with Medicare, Medicaid, Federal retirement. Nothing will get done. We can pick through these piles forever.

Then, of course, remember how this is happening. You are talking about legal immigrants. I did not see much activity on this floor to do much about legal immigrants. There will be a million of them next year and they will all be fitting right here, and nobody, at least the vast majority, decided to do nothing with the flow of legal immigrants.

I hope that those colleagues who have already voted to keep legal immigration at its historically highest levels in the history of our country at least will know what is happening when we find the resources of this country, where they are and where they go, for legal immigration. But remember this: If the sponsor is unable to provide the support, loses his job, dies, whatever, the Federal Government will pay. The Federal Government is here to support those people—and it should.

I encourage my colleagues to read the bill. We provide an exception for indigent immigrants whose sponsors cannot be located. We have it in there. If you cannot find their address, cannot hunt them down, or if they refuse to pay, the Graham amendment—let us be clear what the amendment does—allows the States to exempt themselves from the new welfare restrictions and forces the U.S. taxpayers to pick up the tab.

I want to be perfectly clear here. CBO says that this bill, as modified by the Simpson-Dole amendment, does not have any unfunded mandates. There are no unfunded mandates in the Simpson amendment, which is the bill. There were unfunded mandates in the original legislation which underlies. So when the point of order comes, it will look strange to you because it will say that there was an unfunded mandate—and there was—but it is corrected when we get to the final product. We have already removed the unfunded mandate portion of those provisions. I think that should be made quite clear.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NICODEMUS NATIONAL HISTORIC SITE AND THE NEW BEDFORD NATIONAL HISTORIC LANDMARK

Mr. SIMPSON. Mr. President, I ask unanimous consent that the vote ordered with respect to S. 1720 be vitiated, and I now ask for its immediate consideration, that the bill be advanced to third reading, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

The bill (S. 1720) was read the third time, and passed, as follows:

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NICODEMUS NATIONAL HISTORIC SITE

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the town of Nicodemus, in Kansas, has national significance as the only remaining western town established by African-Americans during the Reconstruction period following the Civil War;

(2) the town of Nicodemus is symbolic of the pioneer spirit of African-Americans who dared to leave the only region they had been familiar with to seek personal freedom and the opportunity to develop their talents and capabilities; and

(3) the town of Nicodemus continues to be a viable African-American community.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the remaining structures and locations that represent the history (including the settlement and growth) of the town of Nicodemus, Kansas; and

(2) to interpret the historical role of the town of Nicodemus in the Reconstruction period in the context of the experience of westward expansion in the United States.

SEC. 102. DEFINITIONS.

In this title:

(1) HISTORIC SITE.—The term ''historic site'' means the Nicodemus National Historic Site established by section 103.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF NICODEMUS NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established the Nicodemus National Historic Site in Nicodemus, Kansas.

(b) DESCRIPTION.—

(1) IN GENERAL.—The historic site shall consist of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, and the Township Hall located within the approximately 161.35 acres designated as the Nicodemus National Landmark in the Township of Nicodemus, Graham County, Kansas, as registered on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a), and depicted on a map entitled ''Nicodemus National Historic Site'', numbered 80,000 and dated August 1994.

(2) MAP AND BOUNDARY DESCRIPTION.—The map referred to in paragraph (1) and an accompanying boundary description shall be on file and available for public inspection in the office of the Director of the National Park Service and any other office of the National Park Service that the Secretary determines to be an appropriate location for filing the map and boundary description.

SEC. 104. ADMINISTRATION OF THE HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with—

(1) this title; and

(2) the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(b) COOPERATIVE AGREEMENTS.—To further the purposes specified in section 101(b), the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution.

(c) TECHNICAL AND PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to any eligible person described in paragraph (2) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site.

(2) ELIGIBLE PERSONS.—The eligible persons described in this paragraph are—

(A) an owner of real property within the boundary of the historic site, as described in section 103(b); and

(B) any interested individual, agency, organization, or institution that has entered into an agreement with the Secretary pursuant to subsection (b).

SEC. 105. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary is authorized to acquire by donation, exchange, or purchase with funds made available by donation or appropriation, such lands or interests in lands as may be necessary to allow for the interpretation, preservation, or restoration of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, or the Township Hall, as described in section 103(b)(1), or any combination thereof.

(b) LIMITATIONS.—

(1) ACQUISITION OF PROPERTY OWNED BY THE STATE OF KANSAS.—Real property that is owned by the State of Kansas or a political subdivision of the State of Kansas that is acquired pursuant to subsection (a) may only be acquired by donation.

(2) CONSENT OF OWNER REQUIRED.—No real property may be acquired under this section without the consent of the owner of the real property.

SEC. 106. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in subsection (b), prepare a general management plan for the historic site.

(b) CONSULTATION.—In preparing the general management plan, the Secretary shall consult with an appropriate official of each of the following:

(1) The Nicodemus Historical Society.

(2) The Kansas Historical Society.

(3) Appropriate political subdivisions of the State of Kansas that have jurisdiction over all or a portion of the historic site.

(c) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this title.

TITLE II—NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 203(b) of this title, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) PURPOSES.—The purposes of this title are—

(1) to help preserve, protect, and interpret the resources within the areas described in section 203(b) of this title, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this title; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

SEC. 202. DEFINITIONS.

For the purposes of this title:

(1) The term ''park'' means the New Bedford Whaling National Historical Park established by section 203.

(2) The term ''Secretary'' means the Secretary of the Interior.

SEC. 203. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) BOUNDARIES.—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR–P49–80000–4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and such map, such map shall govern. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

(2) In addition to the sites, areas and relics referred to in paragraph (1) , the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront Park, immediately south of land adjacent to the State Pier.

(C) The Rotch-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfinger Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

SEC. 204. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this title and the provisions of law generally applicable to units of the national park system, including the Act entitled ''An Act to

establish a National Park Service, and for other purposes'', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) NON-FEDERAL MATCHING REQUIREMENTS.—(1) Funds authorized to be appropriated to the Secretary for the purposes of—

(A) cooperative agreements under subsection (b) shall be expended in the ratio of one dollar of Federal funds for each four dollars of funds contributed by non-Federal sources; and

(B) construction, restoration, and rehabilitation of visitor and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

(2) For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this title, any money so contributed. With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(d) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary may acquire only by donation lands, interests in lands, and improvements thereon within the park.

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this title.

SEC. 205. GENERAL MANAGEMENT PLAN.

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)) and other applicable law.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park.

(b) EXCEPTIONS.—In carrying out this title—

(1) not more than $2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(2) none of the funds authorized to be appropriated by this title may be used for the operation or maintenance of the Schooner Ernestina; and

(3) not more than $50,000 annually of Federal funds may be used for interpretive and educational programs for the Schooner Ernestina pursuant to cooperative grants under section 204(b).

Mr. MURKOWSKI. Mr. President. I want to express my strong opposition to the passage of this legislation. This legislation would establish a new unit of the National Park System without the benefit of any consideration by the Committee on Energy and Natural Resources during this Congress. I will continue to oppose the creation of any new units the committee and the Congress come to grips with the reality of what we are doing to the National Park System by continually adding new units and ignoring the responsibility for funding. If there had been a record vote on this measure, I would have voted ''no.''

I understand that the committee reported similar legislation during the last Congress, but it was not acted upon by the Senate. The committee also agreed that this Congress we would consider the effect of wanton additions to the National Park System on the ability of the National Park Service to adequately fulfill its responsibilities under the 1916 Organic Act. The committee is in the process of trying to come to grips with this insatiable appetite to simply add more and more units, some of limited merit, to a System already overburdened by past actions.

I want the RECORD to indicate that I promised the Senator from Massachusetts that the committee would consider the New Bedford whaling legislation this Congress, and we would have done so had he allowed the process to work. As it is, we are faced with another drain on the limited resources of the National Park Service without benefit of committee consideration. The superintendent and the other personnel will have to be stolen from other units of the System and the funding will come out of the already over stained budgets of existing units.

The era of the clipper ships and the days of the whalers is certainly an important part of the history of this Nation. That history is not restricted to Massachusetts, but was an important part of the west coast and Alaska. Given the opportunity, the Committee on Energy and Natural Resources could have worked with the Senator from Massachusetts and crafted workable legislation. It is particularly ironic that it is the Senator from Massachusetts who seeks to end-run the committee process since it was his totally nongermane amendment on minimum wage that held up the omnibus parks package a few weeks ago. The single most important conservation package in over a decade was held up for political purposes and then the Senator seeks passage of legislation in the dead of night.

I frankly am getting tired of the repeated chorus from the administration and the other side of the aisle on how insensitive Republicans are to the environment when all they can show is opposition to major conservation legislation. Secretary Babbitt proposes to give away three units of the National Park System as part of his Reinventing Government and then has the gall to accuse Republicans of trying to dismantle the National Park. The Senator from Massachusetts is proximately responsible for holding up a major park and conservation measure and then casually adds a new unit to an already overburdened System.

Mr. President. There is a reason for the committees of the Senate and I want to express my strong opposition to this procedure. I committed to the Senator from Massachusetts and to several other of my colleagues that our committee would consider their legislation and we would attempt to come to some resolution on the toll that new areas add to the National Park System and to the idea of ''heritage'' areas. The Subcommittee on Parks has been very active and the Senator from Massachusetts can have no complaint over the sympathies of the subcommittee chairman.

I have tried for over a year to move important park and conservation measures reported by the committee only to have my efforts blocked by opposition from the other side of the aisle. I find it particularly troubling that those who have spent so much time blocking passage of important legislation like the Presidio would take this opportunity to move the New Bedford legislation without benefit of committee review and recommendation.

At some point Congress must come to the realization that this insatiable appetite for adding new units to the National Park System is not benefiting the environment, it is threatening existing units. No one would come to the floor with legislation to cut the funding and personnel for the Grand Canyon, Everglades, Yosemite, Yellowstone, Independence Hall, or any other unit, yet that is exactly what enactment of the New Bedford whaling measure will do. We are loving the System to death. I will continue to oppose the creation of any new units until Congress and the administrative are willing to assume the responsibility for their actions.

Mr. KENNEDY. Mr. President, I am pleased that the Senate approved this legislation, and I ask unanimous consent that a joint statement by Senator KERRY and myself be printed in the RECORD.

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

JOINT STATEMENT BY SENATOR EDWARD M. KENNEDY, SENATOR JOHN F. KERRY ON THE WHALING NATIONAL HISTORICAL PARK IN NEW BEDFORD, MA.

We are grateful that the Senate is about to approve these provisions to establish a Whaling National Historical Park in New Bedford, Massachusetts.

This is an important measure that is well-deserved and historically long overdue. The

history of whaling deserves a place among the major historical themes represented in the National Park System. The federal designation will also mean a significant boost to the economy of the region as more and more visitors come to New Bedford to learn about its extraordinary history.''

The bill authorizes an estimated $4 million over the next five years in federal funds for the Park, with a ceiling of $2 million on the amount of federal funds that can be used for construction and rehabilitation.

In addition, in an innovative feature of the bill that may become a model for future park funding in the era of limited federal resources, the bill requires a 1-to-1 private-sector match for construction and rehabilitation funds, and a 4-to-1 private-sector match for other projects related to the Park. The goals of the Park can be achieved with modest federal funding, because substantial local resources have already been dedicated in New Bedford, and the community has a strong commitment to maintain these efforts in years to come.

Passage of this bill will make the New Bedford National Historical Park one of only a handful of new national parks to be approved by the Senate in the current Congress. In this era of limited federal resources, Congress is rightly skeptical of new park proposals, but the designation of New Bedford is highly appropriate.

New Bedford won early renown for its whaling expeditions in the Atlantic, and later became a key base for whaling voyages to the Arctic. The whaling industry became so prosperous that by the mid-1800s, New Bedford was the wealthiest city, per capita, in the world.

The Whaling National Historical Park will preserve and restore dozens of New Bedford's historic buildings, which are being restored to appear as they did in the whaling industry's heyday.

The Park will include the Seamen's Bethel—the church in ''Moby Dick'' where Ishmael heard Father Mapple offer prayers for sailors before setting out to sea. It will also encompass the restored, century-old National Historic Landmark vessel ''Ernestina,'' the oldest Grand Banks schooner in existence, which is now moored in New Bedford's port.

The crown jewel of the Park will be the Whaling Museum, which houses the world's premier whaling archives and art collection. The library contains thousands of ship logs, charts, maps, photos and other records that document the history of whaling in America. The museum also houses a half-size model of the whaling bark ''Lagoda,'' which can be boarded by visitors.

60,000 visitors from the United States and over 40 foreign countries come to the museum each year and participate in its programs. It also receives thousands of requests for information from historians, scientists, educators, photographers, and museum professionals.

The Whaling National Historical Park has been endorsed by numerous national organizations, including the American Institute of Architects, the American Museum Association, the National Trust for Historic Preservation, the National Melville Society, the New England Council, and the Portuguese American Leadership Council of the United States.

We have worked closely on this bill with Senate Majority Leader Bob Dole, Senate Democratic Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Frank Murkowski, and Senate Parks Subcommittee Chairman Ben Nighthorse Campbell, and we commend them for their assistance and support.

We also commend the tireless dedication of the business community and citizens of New Bedford and their deep commitment to make this Park a reality. We have also worked very closely with Congressmen Barney Frank and Peter Blute of Massachusetts. Their effective work in the House of Representatives laid the best possible groundwork for today's successful Senate action.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that any votes ordered with respect to S. 1664 occur beginning at 2:40 p.m. today, with the first vote being 15 minutes in length and any stacked votes in sequence be limited to 10 minutes, with 2 minutes for debate, to be equally divided, between each vote.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I further ask that any votes remaining to be disposed of at 3:45 p.m. today be further postponed, to begin at 5:30 p.m. in the order in which they were debated and under the same time restraints as mentioned above.

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

Mr. SIMPSON. I thank my colleagues. That will enable us to have final passage of this bill soon after the last amendment is presented. The gap there is because the Senators Chafee-Breaux bipartisan budget group will be at the White House. We thank them for that accommodation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Simpson amendment, earlier presented today, be the order of business.

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

Mr. SIMPSON. Mr. President, I have cleared these amendments with our side of the aisle. Senator KENNEDY has cleared them with his side of the aisle. I urge adoption of the amendments, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (No. 3853 and 3854) were agreed to, en bloc.

Mr. SIMPSON. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

TRIBUTE TO S. SGT. RUBEN RIVERS

Mr. INHOFE. Mr. President, if you happened to have read the current edition of U.S. News & World Report, there is a front page story about some very heroic people. One of those persons is from Oklahoma.

Many years ago, back in 1944, when we were trying to push the Germans out of France and the Alsace-Lorraine area, it was the 761st Tank Battalion that was sent over to try to remove, to extract the Germans from that area.

There is one thing that was unique about the 761st Tank Battalion. All of the soldiers in that battalion were black. They called them the ''Black Panthers.''

One of the bright young soldiers was a staff sergeant by the name of Ruben Rivers. Ruben Rivers was born in Tecumseh, OK, a very quiet, soft-spoken person, the kind who everybody liked. When he went into the service, his desire was to see combat. Back then, even though we had 1.2 million blacks serving in World War II, less than half of them saw combat, and not one of them got the Congressional Medal of Honor, in spite of the fact that they had performed all kind of heroic acts.

Back in 1990, I was serving over in the House, and it was called to my attention by some surviving members of his family some of the things that he had done. When I heard this story, I called his commander, whose name is Capt. David Williams, retired, who was getting quite elderly, and I asked him to verify the story. This is what Ruben Rivers had done.

He was a tank driver. He had won a Silver Star by walking through a minefield and putting a chain on fallen chains and backing out with this tank to detonate all of the mines, taking great personal risk in doing this.

A few weeks later—it was November 14, 1944—Ruben Rivers was driving the lead tank, as he always wanted to do. He went through a minefield in order to detonate the mines so that the 761st Tank Battalion Group A could get through.

When he did this, he went over several mines. One mine went off, and it blew up the undercarriage of his tank and severely wounded Ruben Rivers. In fact, the bone in his right leg was penetrated all the way through. You could see the shiny white bone.

Of course, Captain Williams came over, and he, with the medic, tried to extract him and said, ''Take the morphine. You have done enough for America. We're sending you back.'' He said, ''No, my job isn't done yet.'' He got out of the tank and got in another tank, hobbling over with some help, with one leg, got on the turret and went out into the clearing. The Germans surrounded them from the north. They had our tank battalion completely pinned down where they could not penetrate. Ruben Rivers, in order to find out where they were, drew fire from them. He drove this tank out into the opening. All of them fired, and we were able to go in with our artillery and wipe out the German tank battalion. Of course, Ruben Rivers was dead.

Right after that Capt. David Williams went to the Army and put him up for the Congressional Medal of Honor. I will not go into detail as to what some of the responses were, but they kind of laughed. They said, ''Well, I don't think that's going to happen.'' In fact, the paperwork mysteriously disappeared, not once, but twice, so that nobody had the record on record of Ruben Rivers.

Capt. David Williams, as I mentioned, is getting quite elderly. He said, ''I'm going to live long enough to see that Ruben Rivers is posthumously awarded the Congressional Medal of Honor.''

Back in 1990, I introduced a bill in the House of Representatives and told the same story I am telling today, except in perhaps a little more detail, to waive the statute of limitations past 1952 so the President could make that award. The medal has to come from the President of the United States. Then-President George Bush said he would do it, after he had read about the case. But I was unable to get it passed.

I tried it again in 1991, 1992; and until finally in 1995 the Army said, ''If you don't introduce any more, we'll go ahead and conduct a study of blacks in the military in World War II to see if any of them had been deserving of the Congressional Medal of Honor who had not received it only because they were black.''

That report, I am very happy to say, has come out just a few days ago. They have nominated seven blacks—one is still living today—to receive the Congressional Medal of Honor. The President of the United States, Bill Clinton, had said whoever they recommend, he would go ahead and allow them to receive that medal—their families to receive it. So that is exactly what is going to happen. So, I am very happy to say—we hear a lot of negative things that are going on—that something wonderful has happened. A great Oklahoman from Tecumseh, OK, will be awarded posthumously the highest honor to be given for valor in battle, the Congressional Medal of Honor.

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

The PRESIDING OFFICER. Does the Senator wish to withhold?

Mr. INHOFE. Yes, I withhold my request.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

THE ECONOMY AND WHAT PEOPLE WANT

Mr. BENNETT. Mr. President, we have a lot of conversation going on around the country these days about the economy and what it is people want to have happen and what it is people are searching for in terms of the Federal approach to the economy.

I will suggest several guideposts that I think we need to follow when we talk about the economy. If I may, Mr. President, I want to put them in terms of the individual lives and the individual economies of each American.

I think the American people want to do three things with their economy. No. 1, they want to earn more. That is a fairly natural thing. I think we all identify with that. We want to earn more. Then we want to keep more, hang on to more of what it is we do earn by the sweat of our brow. Then we do that, earn more, keep more so that we can do more, not just to pile up the money somewhere, but to use it to do things with.

Let me give you some examples on these ideas, Mr. President. First, earning more. That comes as a function in our economy of the growth of the economy. We want to earn more because the economy is growing, not because we are taking it away from somebody else—I earn more because you earn less; we don't want that kind of approach—but growth, more jobs, more economic activity is the way we earn more.

In my home State of Utah, we are currently enjoying a tremendous economic boom. More growth is occurring, and, as a result, perhaps the sweetest result for most people's ears, is that now in Utah jobs are plentiful. People can find work in Utah, whereas as recently as a dozen years ago, it was very tough to find a job. But as the economy grows, jobs are available and everyone can earn more, keeping more.

I will talk again about my own experience in Utah. In our company, which was an S corporation—I know a lot of people turn off because this sounds technical—but an S corporation is simply, for tax purposes, a corporation where the earnings are allowed to flow through to the tax returns of the owners. So the corporation does not pay any tax. The whole earnings of the corporation are added on to the individual tax returns of the owners. The owners pay the taxes.

When we had a corporation like that in Utah, we were paying a top tax rate of 28 percent during the 1980's. Today, that tax rate, as a result of the tax increases that have occurred, is 42 percent, a 50 percent increase, Mr. President, that occurred over a period of just 3 years. So even though we may have been earning more, we were not able to keep even as much as we had been earning. We were not able to keep that which was coming in to our company, and our activity, with the taxes going up, as I say, from 28 percent to 42 percent.

Why is it important if we are earning more to keep more? Back in the days when we could keep all but 28 percent of that, we could do more. We were able to create jobs. The particular company that I was involved with, when I became involved, had just four employees. We were creating jobs for four people. I was the fifth one hired and put on the payroll.

Today that company employs close to 3,000 people. We earned more because we were in a growth industry. We were able to keep more because the tax rate was at 28 percent. We were able to do more with the money that we kept in the form of creating job security and a better lifestyle for nearly 3,000 people, new jobs created that did not exist before.

One point I think we need to understand very clearly as we talk about the jobs that were created during the Reagan years—President Clinton talks about the jobs that have been created during his administration—we must understand that the Federal Government does not create a single job. No government does. The only government jobs that are there are those jobs that are created to be paid for with somebody else's taxes. All of the new jobs that represent earning more and growth come out of the private sector.

All the Federal Government can do is create an atmosphere in which that growth can take place. It cannot, by passing a law, create a job, unless, as I said, it takes somebody's tax money to create a job. Your salary, Mr. President, my salary, the salary of everyone here comes out of somebody else's taxes. All Government jobs do.

So the Government should focus on creating an environment, an atmosphere, where the entrepreneurial energy of private Americans can create growth. Then the Government should say, ''Let's look at our own expenditures to hold down the spending on the Government side so that those who are creating the jobs, allowing people to earn more, are allowed to keep more of that which they create.'' If we do that, we know from experience they will then do more with the money they are allowed to keep that will benefit the economy and all Americans as a whole.

But what it really comes down to, Mr. President, is this. It is a question of trust. Does the Government trust its citizens to go out in the economy and take care of their own problems? Does the Government trust its citizens to hang on to the money that they earn and make their own decisions with it? Does the Government trust its citizens

to take the kinds of actions that will cause the economy as a whole to grow and create prosperity for all of us?

I am one who does trust the American people. I am one who thinks we need to roll back the tax increases that have occurred, allow people to keep more of their hard-earned money. I believe when we do that we will see the threefold result I have been talking about here, Mr. President. People will be able to earn more—if they are allowed to keep more, they can then do more.

I call upon all of us to support policies that move in that direction. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3759

Mr. GRAHAM. Madam President, I see my friend and colleague, the Senator from Ohio, is on the floor, I assume, for purposes of offering his amendment. Before he commences I would like to take a few moments to comment on some statements that have been made about the amendment which I offered earlier and which will be the first amendment that will be voted on at 2:40 this afternoon. This amendment is about unfunded mandates.

It is about the reality that the legislation before us represents a staggering transfer of administrative costs and cost shift of programs from the Federal Government to the States and local communities in which legal aliens are resident.

The National Conference of State Legislatures, in examining just 10 of the literally scores of programs that will be covered by this act, has found that the cost to the States in those 10 programs is $744 million per year. The total cost could be into the billions.

The amendment that I have offered is a modest attempt to deal with that. It basically says, first, that if a Federal agency, State, or local government can make a determination that the cost savings of following the procedures of S. 1664 are less than the costs to administer the program, it would not be necessary to implement the program. We have done exactly this in a very analogous program called the SAVE Program, which is an employer verification program in which there is the capacity to waive out of the SAVE Program if it can be demonstrated that the benefits do not equal the costs of the program.

Assume, Madam President, that the issue were reversed. Would we affirmatively vote to say to a State, to a local community, that you must administer this federally mandated program even if the cost of administration can be shown to exceed the savings or the benefits of the program itself? I think not. And so our amendment would create such an opportunity.

I might just add one final point. We are requiring exactly the same administrative structure in a community such as Topeka, KS, as we are in Tampa, FL, although the number of legal aliens in Tampa, FL, probably substantially exceeds those in Topeka, KS. There should be some capability to adjust the level of burden to the reality of the circumstance in that particular community.

Second is the provision that if the Federal Government thinks this is such a good idea, then the Federal Government ought to pay for it. I thought that was the fundamental premise behind the unfunded mandate program that we passed as S. 1, as one of the first acts of the 104th Congress. I used the phrase ''deadbeat dad'' to describe what the Federal Government is about to do here. The Federal Government is about to say: ''We are going to put all of our reliance on the sponsor, but incidentally, if, in fact, the sponsor does not come through with the health care financing or the other sources of financing that will be necessary to maintain this legal alien, we, the Federal Government, are off the hook. It is now going to be up to the local community to pay those hospital costs for that legal alien or to pay the cost of prenatal care for the pregnant legal alien, poor woman.''

I think the phrase ''deadbeat dad'' properly describes what the Federal Government is trying to do: to shift an obligation to States and communities. If we think this is such a good idea and if we are faithful to our constitutional responsibility as the only level of Government that has jurisdiction over immigration, we ought to pay those costs, not ask the local government to do so.

Finally, in this amendment we recognize the fact that there are unusual emergency circumstances. We had one of those in my State in late August 1992 with Hurricane Andrew. I was there. I saw what happened as the emergency and disaster preparedness and response teams attempted to deal with an enormous natural disaster. The very idea of having to subject people who had seen their homes, their documents, their jobs, their lives wrecked by this hurricane, to then have to go through a tedious verification process to determine what their status was and what the income of a sponsor who may well have just been subjected to the same thing that they were, puts the public health at risk. If you cannot vaccinate people against a potential outbreak of typhoid after a natural disaster until you have gone through the bureaucratic steps of verification, just pure common sense tells you there has to be some capability to waive these in an emergency situation. This amendment provides that opportunity.

I believe this is a prudent amendment. Members of this Congress, Members of this Senate, who wish to deal effectively with the issue of illegal immigration should not have that tide of passion and emotion erase our basic sense of common sense and fairness and rational justice to preclude a community from making a judgment as to the cost-benefit analysis of implementing these programs to avoid the Federal Government assuming its responsibility to pay as well as it imposes new responsibilities and to be able to respond to unexpected emergency situations. That is the essence of the amendment which is before us, Madam President. I urge my colleagues at 2:40 to support it.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. May I inquire as to the pending business?

The PRESIDING OFFICER. The pending question is amendment 3759 offered by the Senator from Florida.

Mr. DEWINE. I ask unanimous consent to set aside for a moment the pending business.

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

AMENDMENT NO. 3835 TO AMENDMENT NO. 3745

(Purpose: To make persecution for resistance to coercive population control policies a basis for the granting of asylum)

Mr. DEWINE. Madam President, I call up my amendment numbered 3835.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself and Mr. ABRAHAM, proposes an amendment numbered 3835 to amendment No. 3745.

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

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

The amendment is as follows:

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

The language on page 177, between lines 8 and 9, is deemed to have the following insertion:

''SEC. 197. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

''Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: 'For purposes of determinations under this Act, a person who has been forced to abort a pregnancy, or to undergo such a procedure, or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.' ''

Mr. DEWINE. Madam President, as we discuss far-reaching immigration reform, I think it behooves us to try to make our immigration laws as just and as fair as absolutely possible. If there are terrible injustices going on, we should definitely make use of this rare opportunity—a fundamental reform effort on the floor of the U.S. Senate, going on now—make use of this opportunity to correct those injustices.

Madam President, there is a provision in current immigration practice—not in law but in practice—that must, in my opinion, in the interests of justice, be changed. There are women in repressive countries who are forced to undergo coerced abortions and sterilizations. Until 1994, these women were offered asylum under the same standard as others fleeing persecutions. However, starting in 1994 and since that date, they have been forced to meet a tougher standard, as if the procedures they face somehow did not qualify as prima facie evidence of persecution. That is just wrong. My amendment is very simple. It would change the policy back to what it was before 1994.

My amendment is not controversial. It is supported by groups on the right and groups on the left, by pro-choice groups and pro-life groups. It is supported by the Clinton administration, and it was passed by the U.S. House of Representatives. However, because the specific issue I am discussing is not mentioned in the bill we are considering, my amendment would, of course, be ruled nongermane under standard postcloture procedures. If no Senator objected to proceeding with this amendment, a unanimous consent would override the germaneness issue and allow us to move on the amendment. This amendment, I might add, is supported by Amnesty International, it is supported by the Center for Reproductive Law and Policy, it is supported by the U.S. Catholic Conference, the Council of Jewish Federations, by the National Right to Life Committee—the list goes on and on and on.

But the Senator from Wyoming said on the floor earlier today that he would object to consideration of this amendment. Certainly this is his right to do this, and I fully understand that under the rules of the Senate the point of order of the Senator from Wyoming would be sustained because the amendment is, in fact, not germane. I will, therefore, in a moment, withdraw my amendment. But before I do, I would like to spend just a few minutes discussing a problem that I believe it would solve if we were allowed to go forward.

Think of a college teacher in China who is forced to have not one, two, three, but four abortions by her government. Many of her coworkers were forced to have six or seven abortions. That is a true story. It was told in compelling testimony at a hearing last year in the House Committee on International Relations, a hearing on the subject of ''Coercive Population Control in China.'' I have the transcript of that right here. That is the story, a true story.

That woman, under current procedure, would not be considered as having a per se reason to fear persecution. Madam President, I am not alone in believing that this is unjust. All the groups I have mentioned, from the Catholic Conference to abortion rights advocates, all of them agree that when a woman is forced by her government to undergo these procedures, her human rights are being violated. That is not a tough call. That is a fact.

How hard would it be, in practical terms, for us to recognize this fact in our national policy? Would it mean, as some have suggested, that we would face a deluge of millions of people flooding our shores? No, Madam President, it would not. The number of people granted asylum under the old policy, which we are asking to go back to, the policy my amendment would simply restore, that number of people who were granted asylum was actually very small every year. The number of people we let in because they were protesting China's coerced population control policy was averaging between 100 and 150 people every year. Each applicant of the kind we are discussing would not suddenly move to the front of the line. She would not get automatic asylum. She would not ever get special treatment. All she would get is the same chance as all other asylum seekers, the same judicial process and the same set of rules—what I would call simple, basic human justice.

Think of a woman who has just had her second child; another example. She gets a notice from her local commune sterilization committee, saying she has to report in and get sterilized.

Think of a woman who sees a baby girl, 7 days old, lying abandoned on the road. None of the bystanders want to rescue the baby. They are afraid of the government. The woman takes the baby home herself, and sure enough, then the sterilization police show up and see the new baby girl. They say this woman has too many children and she has to be sterilized, even though the new baby girl is not her own child. She has to escape to a distant and barren place to get away from the sterilizers.

Even years later—this is a true story—she was brave enough to go home, and she was sterilized. This is a true story, Madam President, yet another story that emerged in the hearings held by the House Committee on International Relations. It is a story of barbaric persecution in our own day and times; a crime against women and a crime against our common humanity.

I am not seeking, with this amendment, a special break for these women. All I ask is they receive the same treatment as anyone else who comes to America to seek asylum. Here is what my amendment, a noncontroversial amendment based on the people who support it, this is what it says—and then I will conclude because I know our time for a vote is shortly at hand. Let me read it.

> For purposes of determinations under this Act, a person who has been forced to abort a pregnancy, or to undergo [involuntary sterilization or who has been persecuted for failure or refusal to undergo such a procedure] or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance, shall be deemed to have a well founded fear of persecution on account of political opinion.

That is the substance of this amendment. It is supported by the Clinton administration, it was passed by the U.S. House of Representatives, and it will be an issue in the conference.

Madam President, at this time I do withdraw my amendment. I appreciate the courtesy of my colleague from Wyoming for the time.

The amendment (No. 3835) was withdrawn.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I deeply thank the Senator from Ohio. With the remaining minute, let me just say I am very pleased it was withdrawn. I, too, have read the language, and the very troubling part is the part that says ''resistance to a coercive population control program'' deems that that person then fits the status of refugee.

We are dealing with China, a country with a population of 1.2 billion people. We are also dealing in this amendment with India, again with one of the largest populations in the world. We are dealing with an amendment that would apply, as of course it should, to all the countries in the world. When we do this, we should bear in mind that there are already young Chinese single—unmarried—males who are even now claiming asylum on the basis that one day they will want to have a family and more than one child and thus come under this coercive birth policy.

But if you are going to make a blanket application for refugee status, it reminds me so much of an American Secretary of State who visited China several years ago. He raised issues about their policies and slave labor and coercive birth policies and their immigration policies, which were very strict.

When he finished, the Premier asked the Secretary, ''How many millions do you want?''

I can tell you, if this amendment, in any form or this form, were to come to pass—and I deeply appreciate the withdrawal because it was not in order—I suggest that there will be millions of people who, under this language, will qualify.

We should remember that this amendment would also apply to tens of millions of persons—male and female—in India, who have undergone population control procedures—vasectomies

and tubal ligations. That program began in the 1950's. Many of those millions of persons bear the marks and scars of those procedures. I would expect that it would be very difficult for INS to prove that those procedures were not coerced. So this amendment would appear to make eligible for asylum in this country millions of persons—both male and female—in China, India and many other countries.

I understand the necessity to make foreign policy statements, but I think that they should not be made on an immigration measure.

Mr. DEWINE. Will the Senator yield for 20 seconds? Let me, if I can, briefly respond to that. We did not have this flood of the old policy and the old law, and the fact is, even with this amendment, we will still have to prove the facts. Then once you have established the facts, those facts, those compelling facts, we would then deem that meets the law.

So it is still a factual question that would have to be proved. The burden would still be there to prove. I am sure we will have another opportunity to talk about this in the future. I thank my colleague.

Mr. SIMPSON. Madam President, I sincerely thank the Senator from Ohio. It makes our work much less difficult.

Mr. KENNEDY. Madam President, I ask unanimous consent to proceed for 30 seconds.

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

Mr. KENNEDY. Mr. President, I thank the Senator for raising this issue. I think it is important to note that at the present time, a number of individuals who have applied for asylum on the basis of this kind of action have already been granted asylum and had deportation delayed. But I think it is something that we ought to get into in much greater degree.

I welcome the fact that this issue has been brought up, and we will work with the Senator from Ohio to try and find out how all of us can find an adequate solution to what is a barbaric practice.

I yield the floor.

VOTE ON AMENDMENT NO. 3759

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3759, the amendment offered by Senator GRAHAM of Florida.

Mr. GRAHAM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—30

Akaka	Graham	Moseley-Braun
Boxer	Inouye	Moynihan
Bradley	Johnston	Murray
Breaux	Kennedy	Pell
Bumpers	Kerry	Pryor
Conrad	Lautenberg	Rockefeller
Daschle	Leahy	Sarbanes
Dodd	Levin	Simon
Ford	Lieberman	Wellstone
Glenn	Mikulski	Wyden

NAYS—70

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

The amendment (No. 3759) 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.

AMENDMENT NO. 3840

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate, equally divided, on amendment No. 3840 offered by the Senators from Rhode Island and Florida.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I hope everybody will listen to this because we think it is important. Illegal immigrants now are entitled to a series of limited benefits, such as emergency Medicaid, prenatal Medicaid services, nutrition programs, and public assistance for immunizations. Illegal aliens are entitled to this. This is not the big broad scope of things. This is limited. What we are saying is legal immigrants should be entitled to the same thing. It is a little odd to say that the illegals can get these. Why do we give them to those individuals, the illegals? It is for the benefit of public health overall. It seems to me that the legal immigrants should likewise be entitled to immunization, prenatal, and postpartum Medicaid services. That is what it is all about. It is a limited group. It is not going to break the budget, but certainly the legals under equity should be entitled to what the illegals are entitled to.

Thank you.

Mr. SIMPSON. Give me your attention just for a moment, please. This amendment is about welfare reform for legal immigrants—the same issue you have already voted on seven separate times now. The reason that legal immigrants are in the situation they are in is because the person who brought them here promised to pay for their support. All we are saying is that sponsors should pay for these benefits if they have the means to do so. That is what deeming is. No legal immigrant will receive any fewer benefits than an illegal immigrant, but the legal immigrant's sponsor will have to pay for the benefits before the American taxpayers do. Should the financial burden be on the immigrant's sponsor or on the U.S. taxpayers? Take your pick.

The PRESIDING OFFICER. The question now occurs on the amendment offered by the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—40

Abraham	Hatfield	Moynihan
Akaka	Hollings	Murray
Boxer	Inouye	Nunn
Bradley	Jeffords	Pell
Bumpers	Kennedy	Pryor
Chafee	Kerry	Robb
Conrad	Kohl	Rockefeller
Daschle	Lautenberg	Sarbanes
DeWine	Leahy	Simon
Dodd	Levin	Snowe
Feingold	Lieberman	Wellstone
Ford	Mack	Wyden
Graham	Mikulski	
Harkin	Moseley-Braun	

NAYS—60

Ashcroft	Dorgan	Kyl
Baucus	Exon	Lott
Bennett	Faircloth	Lugar
Biden	Feinstein	McCain
Bingaman	Frist	McConnell
Bond	Glenn	Murkowski
Breaux	Gorton	Nickles
Brown	Gramm	Pressler
Bryan	Grams	Reid
Burns	Grassley	Roth
Byrd	Gregg	Santorum
Campbell	Hatch	Shelby
Coats	Heflin	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Johnston	Thomas
D'Amato	Kassebaum	Thompson
Dole	Kempthorne	Thurmond
Domenici	Kerrey	Warner

The amendment (No. 3840) was rejected.

Mr. DOLE. 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.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. If I could have my colleagues' attention, I would like to make an announcement that I think is important to everyone.

I ask unanimous consent that the agreement relative to the 3:45 p.m. suspension of votes be vitiated.

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

Mr. DOLE. Let me say for the information of all Senators it is my understanding that a rollcall will not be necessary on the underlying Dole-Simpson

amendment. Therefore, Senators can expect two additional votes that will start within a minute, and it will be a 10-minute vote, and then we will start the other vote. The first will be on cloture on the bill. The second vote, if cloture is invoked, will be on final passage of the immigration bill.

I also ask unanimous consent that the yeas and nays be vitiated on amendment No. 3743.

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

Mr. DOLE. I ask for the yeas and nays on those two votes and that the votes be limited to 10 minutes each.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. A number of our colleagues on both sides are headed for the White House after the second vote. There will be a bus at the bottom of the stairs to take them down there. I do not know how they will come back.

Mr. SIMPSON addressed the Chair.

(Disturbance in the Visitors' Gallery)

The PRESIDING OFFICER. The sergeant at arms will restore order.

The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, that disturbance is certainly in spirit with the last 10 days.

I did not realize I had such support up there in that quarter, and I must say I am very pleased. Somebody once said, ''You're on a roll.'' I said, ''I have been rolled for 6 months on this issue.''

AMENDMENTS NOS. 3873 AND 3874, AS MODIFIED

Mr. SIMPSON. Mr. President, let me say this. I have two amendments filed by Senator SNOWE, Nos. 3873 and 3874, as modified.

Mr. President, these two noncontroversial amendments relate to problems that have developed in recent years with the movement of persons along Maine's border with the Canadian province of New Brunswick. The amendments address issues that are critically important to the economic health and livelihood of many small communities in northern Maine. These communities have suffered severe economic harm from the discriminatory application of New Brunswick's provincial sales tax and other actions taken by Canadian officials to inappropriately impede crossborder movement.

I am not aware of any objections to the amendments, and I understand that they have been cleared on the other side.

I ask that the amendments be approved.

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

The amendments (Nos. 3873, and 3874) as modified, were agreed to, as follows:

AMENDMENT NO. 3873

(Purpose: To require a study and review of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border)

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 the 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

(Purpose: To express the sense of Congress that the discriminatory application of 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 runs counter to the principle of free trade, *raises questions about the possible violation of* the North American Free Trade Agreement, and damages good relations between the United States and Canada)

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 good 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 long 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 intention 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 raises questions about the possible violation of 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.

AMENDMENT NO. 3951 TO AMENDMENT NO. 3743

Mr. SIMPSON. I have a unanimous consent request that the following amendments be accepted. There is a package of managers' amendments at the desk, cleared on both sides, that will be noncontroversial.

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

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], proposes an amendment numbered 3951.

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:

SEC. . ADMINISTRATIVE REVIEW OF ORDERS.

Section 274A(e)(7) is amended by striking the phrase '', within 30 days,''.

Section 274C(d)(4) is amended by striking the phrase '', within 30 days,''.

SEC. . SOCIAL SECURITY ACT.

Section 1173(d)(4)(B) of the Social Security Act (42 U.S.C. 1320B–7(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

''(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. . HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980.

Section 214(d)(4)(B) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection: ''(i) the Secretary shall transmit to the Immigration and Naturalization Service either photostatic or other

similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. . HIGHER EDUCATION ACT OF 1965.

Section 484(g)(B) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

''(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. . JUDICIAL REVIEW OF ORDERS OF EXCLUSION AND DEPORTATION.

Page 87, at the end of line 9, insert at the end the following:

''Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to exclude or deport an alien from the United States under Title II of this Act shall be available only in the judicial review of a final order of exclusion or deportation under this section. If a petition filed under this section raises a constitutional issue that the court of appeals finds presents a genuine issue of material fact that cannot be resolved on the basis of the administrative record, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides or is detained for a new hearing on the constitutional claim as if the proceedings were originally initiated in district court. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure.''

SEC. . LAND ACQUISITION AUTHORITY.

Section 103 of the Immigration and Nationality Act (8 U.S.C. §1103) is amended by redesignating subsections ''(b)'', ''(c)'', and ''(d)'' as subsections ''(c)'', ''(d)'', and ''(e)'' accordingly, and inserting the following new subsection ''(b)'':

''(b)—(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

''(2) The Attorney General may contract for or buy any interest in land identified pursuant to subsection (a) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

''(3) When the Attorney General and the lawful owner of an interest identified pursuant to subsection (a) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to 40 U.S.C. section 257.

''(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to subsection (a).''

SEC. . SERVICES TO FAMILY MEMBERS OF INS OFFICERS KILLED IN THE LINE OF DUTY.

SEC. 294. [8 U.S.C. 1364]—TRANSPORATION OF THE REMAINS OF IMMIGRATION OFFICERS AND BORDER PATROL AGENTS KILLED IN THE LINE DUTY.

(a) Notwithstanding any other provision of law, the Attorney General may expend appropriated funds to pay for:

(1) the transportation of the remains of any Immigration Officer or Border Patrol Agent killed in the line of duty to a place of burial located in the United States, the Commonwealth of Puerto Rico, or the territories and possessions of the United States;

(2) the transportation of the decedent's spouse and minor children to and from the same site at rates no greater than those established for official government travel; and

(3) any other memorial service sanctioned by the Department of Justice.

(b) The Department of Justice may prepay the costs of any transportation authorized by this section.

SEC. . POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.

Section 103 of the Immigration and Nationality Act (8 U.S.C. §1103) is amended in subsection (a) by adding the following after the last sentence of that subsection:

''the Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under intergovernmental service agreements with State or local units of government. The Attorney General, in support of persons in administrative detention in non-Federal institutions, is further authorized to enter into cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for persons detained by the Immigration and Naturalization Service.''

Section 103 of the Immigration and Nationality Act (8 U.S.C. §1103) is amended in subsection (b) by adding the following:

''The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws of the United States.''

SEC. . PRECLEARANCE AUTHORITY.

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. §1103(a)) is amended by adding at the end the following:

''After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers.''

On page 173, line 16, insert ''(a)'' before the word ''Section''.

On page 174, at the end of line 4, insert the following:

''(b) As used in this section, ''good cause'' may include, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General.''

Page 106, line 15, strike ''(A), (B), or (D)'' and insert ''(B) or (D)''.

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to Section 150(b)(c) of this Act and except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

SEC. . DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the ''Commissioner'') shall in accordance with the provisions of this section develop a prototype of a counterfeit-resistant social security card. Such prototype card shall—

(A) be made of a durable, tamper-resistant material such as plastic or polyester,

(B) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(C) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.—The Attorney General of the United States shall provide such information and assistance as the Commissioner deems necessary to achieve the purposes of this section.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Commissioner shall conduct a study and issue a report to Congress which examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDY.—The study shall include an evaluation of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3, 5, and 10 year period. The study

shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3, 5, and 10 year phase-in options.

(3) DISTRIBUTION OF REPORT.—Copies of the report described in this subsection along with a facsimile of the prototype card as described in subsection (a) shall be submitted to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate within 1 year of the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as may be necessary to carry out the purposes of this section.

Page 15, lines 12 through 14, strike: ''(other than a document used under section 274A of the Immigration and Nationality Act)''.

DEVELOPMENT OF COUNTERFEIT-PROOF SOCIAL SECURITY CARD

Mr. MOYNIHAN. Mr. President, I thank Senator SIMPSON and Senator KENNEDY for accepting this amendment providing for a prototype counterfeit-proof Social Security card.

It was 18 years ago that I first proposed we produce a tamper-resistant Social Security card to reduce fraud and enhance public confidence in our Social Security system. The amendment accepted today is very simple. It would require the Commissioner of the Social Security Administration to develop a prototype of a counterfeit-proof Social Security card. The prototype card would be designed with the security features necessary to be used reliably to confirm U.S. citizenship or legal resident alien status.

The amendment would also require the Commissioner to study and report to Congress on ways to improve the Social Security card application process so as to reduce fraud. An evaluation of cost and workload implications of issuing a counterfeit-resistant Social Security card is also required.

Let me point out that Congress adopted this provision last year as part of the Personal Responsibility and Work Opportunity Act (H.R. 4), the welfare legislation vetoed by the President. Senator DOLE cosponsored the amendment, and it passed the Senate by a voice vote. The Senate also included it in its version of the budget reconciliation bill, but the provision was dropped in the conference committee.

When the Social Security amendments were before us in 1983, we approved a provision to require the production of a new tamper-resistant Social Security card. The law, section 345 of Public Law 98–21, stated:

> The Social Security card shall be made of banknote paper, and (to the maximum extent practicable) shall be a card which cannot be counterfeited.

What a disappointment when late in 1983 the Social Security Administration began to issue the new card, and it became clear that the agency simply had not understood what Congress intended. The new card looks much like the old, much like the first ones produced by Social Security in 1936. It has the same design framing the name and nearly the same colors. It feels the same. An expert examining a card with a magnifying glass can certainly detect whether or not one of the new ones is genuine, but therein lies the problem. We should have a new, durable card that can hold vital information and can be authenticated easily.

A new Social Security card—one very difficult to counterfeit and easily verified as genuine—could be manufactured at a low cost. The major expense, if we were to approve new cards, would be the cost of the interview process, and that is why the amendment requires a study to include the cost and workload implications of a new card.

A Social Security card could be designed along the lines of today's high technology credit cards. The card could be highly tamper-resistant, and its authenticity could be readily discerned by the untrained eye. The card must be seen as a special document; one which would be visually and tactilely more difficult to counterfeit than the current paper card.

The magnetic strip would contain the Social Security number, encoded with an algorithm known only to the Social Security Administration. A so-called watermark strip could be placed over it, making it nearly impossible to counterfeit without technology that currently costs $10 million. The decoding algorithm could be integrated with the Social Security Administration computers.

The new cards will not eliminate all fraudulent use of Social Security cards. But it will close down the shopfront operations that flood America with false Social Security cards.

That is what the Congress intended in the 1983 legislation.

Let us try again. We have seen that it can be done. It is what the Clinton Administration intended last year when they introduced the Health Security card. As many of you remember, it had a magnetic strip to hold whatever information may be necessary.

I am pleased that the Senate has adopted this amendment, and I again thank the managers of the bill for their support.

Mr. SIMPSON. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is in order.

Mr. SIMPSON. I thank the Chair.

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

The amendment (No. 3951) was agreed to.

WORKER VERIFICATION/IDENTIFICATION SYSTEM

Mr. ROBB. Mr. President, I rise to discuss briefly an amendment I had offered to S. 1664, the Immigration and Financial Responsibility Act of 1996 but have subsequently withdrawn in the interest of completing action on the underlying bill without unnecessary delay at this time. This amendment was designed to ensure the consideration of innovative authentication technology as we develop a new verification system for alien employment and public assistance eligibility.

There is a large and important debate before us. Should we implement a national verification system in the United States? Well, we already have one, but it's failing America. It allows illegal immigrants to skirt the system—to take jobs away from Americans and immigrants who have played by the rules. Moreover, the current system also allows for abuse of our pubic assistance programs that were established to provide a safety net for those who have contributed to our society and deserve help in a time of need. We need to update the current verification system—and 53 Senate colleagues agree as evidenced by their votes to reject the Abraham amendment to strike the verification system from the bill.

The system in place now requires employers to check two forms of identification from a list of 29 acceptable documents. We know that these documents are far from being tamper-resistant and we know that employers are unfairly held accountable for hiring illegal aliens.

The bill before us sets out the goals and objectives for a new verification system and also provides for pilot projects to determine the costs, technology, and effectiveness of a new program. Contrary to what many believe, the bill's provisions address the concerns that have been expressed regarding privacy, the potential for discrimination, and cost. All of these provisions supplement the protections of the U.S. Constitution and anti-discrimination laws. And regarding cost, the unfunded federal mandates law and the recently-passed improvements to the Regulatory Flexibility Act will help insulate businesses and State and local governments against the imposition of exorbitant costs from a new verification system.

Looking at the inventive programs that businesses, universities, hospitals and other institutions are using to monitor human resources, it seems only appropriate that we consider the feasibility of upgrading our current system.

My amendment is simple. It would allow for the consideration of innovative authentication technology such as finger print readers or smart cards to verify eligibility for employment or other applicable Federal benefits in a pilot program.

Already, the INS has begun to investigate the feasibility of creating a new generation of smarter employment authorization cards, border-crossing cards, and green cards. And the Federal Government is also examining the uses of electronic benefits transfer. My amendment would supplement these activities.

Smart cards are credit card-sized devices containing one or more integrated circuits. They are information

carriers like ATM cards, that can hold bank account data, school ID numbers, benefit enrollment status, Social Security numbers and biometric data, such as photographs. Unlike ATM's, which give you access to accounts or information, smart cards actually hold the value of money and information.

I know that some of our colleagues are concerned about the use of biometric data such as DNA samples, blood types, or retina scans. My amendment does not anticipate the use of these types of biometric data. But the use of biometric data has already found its way into our daily lives. We use credit cards with photographs and driver's licences that detail our height, weight and gender. If we are to reduce document fraud, we must incorporate the limited use of biometric data. That is the only way to securely connect a document to an individual.

Setting aside the merits of my amendment, I understand the hesitance of many Members to embrace innovative authentication technologies. While the future is uncertain and change is difficult, we have to look ahead. We had a full debate on the issue of the so-called national ID card yesterday. And while I am not now promoting a national ID, nor did my amendment require the use of biometrics or smart cards, the concerns raised yesterday are similar. My amendment sought only to ensure the consideration of these tools in the development of the pilot programs.

While my amendment has been withdrawn, I will continue to work toward broadening the debate on smart cards and other forms of authentication technology with our Senate colleagues.

In utilizing the most up-to-date technology in these demonstration projects, we can ensure that the President will have the most efficient and the most cost-effective alternatives to scrutinize. If we take deliberate care to develop a new identification system, then we can all benefit: American workers can be further protected; Employers can be relieved of the burden of sanctions; the jobs magnet will be shut off; and most importantly, we will be able to clearly view the benefits of immigration and diversity in our society.

INS PRACTICES CONCERNING STUDENT VISA HOLDERS

Mr. FEINGOLD. I am told by colleges and universities that it is common for foreign students and scholars temporarily to drop out of status during the course of their studies. For example, a student might be told by a professor to drop a particular course, thereby inadvertently dropping below the 12 credits per term required by INS regulations to remain a bona fide student. INS currently allows such students to be reinstated to their previous status. Such reinstatement might not occur until later in the semester, however, when INS-designated school officials notice the problem

Does the Senator intend our visa-overstayer provision to alter the INS's practice in such cases?

Mr. ABRAHAM. No. In the situation you described, where the student continues to work in good faith toward his degree, the professor's directive to the student would constitute good cause for the student falling out of status temporarily.

Mr. FEINGOLD. There are many other situations that might cause a student to fall out of status. For example, a teaching assistant might have to devote an unusual amount of time to grading papers, or a foreign government's tuition payment might be delayed. As I said, I understand that the current practice of the INS in such circumstances is to reinstate such students and scholars to a valid status so that they may continue their studies.

Does the Senator intend that these and similar INS practices should continue?

Mr. ABRAHAM. Yes. My intention is not to displace current INS practice with respect to students who continue to work in good faith toward their degree but who temporarily fall out of status because of circumstances beyond their reasonable control.

Mr. FEINGOLD. Finally, some concern has been expressed about the possibility that the 60-day threshold might be reached if the student accumulates 60 days out of status over the course of several years. Do you intend our visa-overstayer sanctions apply in such cases?

Mr. ABRAHAM. No, I do not intend the sanctions to apply in cases where, for reasons like those described in the examples you've cited, a student has accumulated a total of 60 nonconsecutive days out of status over the course of his studies. I expect the 60-day period will normally be continuous for purposes of our visa-overstayer provision.

Mr. President, I rise today to discuss an amendment I had planned to offer, along with Mr. DEWINE, Mr. ROTH, and Mr. D'AMATO that would have addressed the enormous problem this country has with deporting aliens who commit violent and other felonious acts against Americans. Because the amendment is not germane at this time, I will not be offering it, but plan to raise this issue again at another time.

Let me start by outlining the problem we have right now with criminal aliens in this country.

Noncitizens in this country who are convicted of committing a variety of serious crimes are deportable and should be deported. These are not suspected criminals: These are convicted felons. And there are about half a million of them currently residing on U.S. soil. More than 50,000 crimes have been committed by aliens in this country recently enough to put the perpetrators in State and Federal prisons right now.

The reason these criminal aliens are here, despite their deportability under U.S. law, is that they are able to manipulate our immigration laws by requesting endless review of their orders of deportation. These are convicted criminals obstructing the operation of law by abusing unduly generous provisions of judicial and administrative review. As long as a petition for review is pending, they cannot be deported. Meanwhile, because there is nowhere to put them, many of them are released into the general population, never to be seen again. Thus, at present, aliens who are convicted felons are deported at a rate of about 4 percent a year.

Parenthetically, I would like to note that the study from which most of these figures are drawn—a Senate report on criminal aliens in the United States dated April 7, 1995—was conducted under the auspices of one of the cosponsors to the amendment I am offering today—my distinguished friend and colleague from Delaware, Mr. WILLIAM ROTH.

The bill presently before the Congress does a great deal to address many of the obstacles to ensuring that these individuals are in fact expeditiously deported. As introduced, it included provisions adding a variety of serious offenses to the crimes that constitute aggravated felonies; providing that aggravated felons are not permitted to sue the Government on the grounds that their deportations were not expeditious; providing for regulations to be issued by the Attorney General permitting INS officials to enter final orders of deportation stipulated to by the alien; providing that Federal judges are authorized to order deportation as a condition of probation; and requiring the Attorney General to report to Congress once a year on the number of and status of criminal aliens presently incarcerated.

While these provisions were helpful, they were not enough to prevent a criminal alien from using the key dilatory tacits presently used by these individuals to avoid deportation.

Accordingly, during Committee consideration of this bill, I sponsored a package of four amendments addressing the criminal alien problem. My amendments were cosponsored in whole or part by four Senators on the Judiciary Committee and all were accepted by the committee in lopsided votes. The package of amendments adopted by the Judiciary Committee and now part of the pending bill will do the following: First, prohibit the Attorney General from releasing convicted criminal aliens from custody; second, end judicial review for orders of deportation entered against these criminal aliens—while maintaining their right to administrative review and the right to review the underlying conviction; third, require the Attorney General to deport criminal aliens within 30 days of the conclusion of the alien's prison sentence—with exceptions made only for national security reasons or on account of the criminal alien's cooperation with law enforcement officials; and fourth, permit State criminal courts to enter conclusive findings of fact, during sentencing, that an alien

has been convicted of a deportable offense.

These amendments, now part of the bill, will go a long way toward ending the procedural chicanery by which criminal alien's make a mockery of our laws.

Still, loopholes remain, especially during the administrative review process. The amendment I had planned to offer to the illegal immigration bill would have sought to close these loopholes by doing the following: First, criminal aliens would be required to raise all claims for relief from deportation in a single administrative process including one appeal to the Board of Immigration Appeals.

The problem is this: While we have eliminated judicial review for orders of deportation entered against most criminal aliens, we have not eliminated their capacity to request repetitive administrative review of the deportation order. We have shortened the process, but it could still take, literally, a decade or more to complete the administrative procedures.

For example, criminal aliens will still be able to: First receive a hearing on their deportability from the immigration judge and then appeal that to the Board of Immigration Appeals; second, return to the immigration judge, this time requesting asylum, and then appeal that to the Board of Immigration Appeals; third, request 212(c) relief from the order of deportation and appeal that to the Board of Immigration Appeals; fourth, since several years will frequently have passed during the first rounds of administrative review, make a motion to reopen on the basis of changed circumstances, such as the connections to the community the criminal alien has formed, and frequently, the children the criminal alien has had while these other requests for relief were pending; fifth, continue to make additional motions to reopen.

Criminal aliens should be allowed only one bite at the apple. What needs to be done is this: Require that criminal aliens submit all claims for relief from deportation to the immigration judge and to the Board of Immigration Appeals the first time around. The amendment I am was going to offer does just that.

Second, judicial review for orders of exclusion entered against these criminal aliens would end.

This is a delaying tactic, much abused by excludable criminal aliens. Extensive—even repetitive—judicial review of orders of exclusion may be tolerable for other excludable aliens. There is no justifiable reason to tie up the system with such requests by criminals.

Third, the number of immigration judges, members of the Board of Immigration Appeals, and lawyers handling deportation cases at the INS would be doubled.

There are not enough judges within the INS to expeditiously dispose of deportation hearings with or without the streamlining provided by the other criminal alien provisions in this bill and the Terrorism Prevention Act. This amendment will double the number of members of the Board of Immigration Appeals, double the number of immigration judges—special inquiry officers, and double the number of INS attorneys handling deportation proceedings.

The criminal alien amendments I offered during the committee mark-up of the illegal immigration bill require the AG to deport criminal aliens within 30 days of the later of their release from incarceration, or issuance of the final order of deportation.

Such a requirement will be of no avail if the INS does not have enough judges and members of the Board of Immigration Appeals to dispose of these deportation proceedings. In 1995, the number of board members of the BIA was increased—to 12 members in all.

Meanwhile, it is conservatively estimated that there are almost half a million criminal aliens currently residing in this country. If only a quarter of those criminal aliens now on U.S. soil request deportation hearings and an appeal to the BIA—which is probably an extremely conservative estimate—12 board members will have to process over 100,000 appeals only to get through the deportations of these criminal aliens.

We will never reduce this backlog without adding much-needed personnel to handle these deportation proceedings fairly and expeditiously. Doubling their number is a modest increase if we are serious about deporting deportable criminal aliens.

Fourth, criminal aliens who have been convicted of serious crimes would be added to the list of aliens ineligible for naturalization.

Naturalization already requires that the alien demonstrate good moral character and have resided in the country for at least 5 years, among other things. Yet aliens who have been convicted of serious crimes are able to delay their deportations for many years allowing them to, first, achieve the 5 year requirement for naturalization, and, second, apply for naturalization 5 years after their conviction.

This not only injects into the deportation process an extremely powerful incentive for criminal aliens to delay their deportations, but rewards those who have not only been convicted of serious crimes to become citizens, but rewards the criminal aliens who have been able to manipulate the system in order to avoid being deported.

There are already various types of aliens that are foreclosed from naturalization. This amendment adds convicted criminals to the list. It is not unreasonable for the Congress to conclude that aliens who have been convicted of serious crimes while guests in this country cannot be deemed to have demonstrated good moral character for purposes of naturalization.

These are all reasonable reforms—reforms, I believe, that would shock most Americans only by their absence from current law.

Let me give just one example of why these reforms are needed. This example is not hypothetical. It is a real case of what happens when this country tries to deport noncitizens who are convicted of committing serious crimes in this country.

The case of Lyonel Dor is typical in all but one respect. Dor was an illegal alien, whereas the great majority of the criminal aliens in this country are lawful permanent residents.

Lyonel Dor entered the United States illegally in 1972. Six years later he was convicted of first degree manslaughter for participating in the murder of his aunt and served 6½ years in prison.

Illegal immigrants are deportable. Legal immigrants who help murder their aunts are deportable.

Yet Dor remained in this country for at least another 5 years after serving his prison sentence. He accomplished this by requesting and receiving unending review of the order of deportation against him. Dor was first ordered deported in March 1985. As of late 1989, Dor had not been deported. I do not know whether Lyonel Dor was ever deported or whether he is still here, requesting still more review.

But I do know that during that 5 years, Dor received 13 administrative proceedings and 4 judicial proceedings for review of the order of deportation against him. Every one of these proceedings concerned this country's attempt to deport Dor—an illegal immigrant and murderer. In two of the four judicial proceedings, Federal courts ordered that Dor not be deported—so that the order of deportation against Dor could be subjected to yet more review.

It is important to note that, although Dor's multiple requests for review of the deportation order were granted—upon review, not one of his claims was found to have any merit. Dor requested asylum, this was denied. Dor requested withholding of his deportation, this was denied. Dor requested adjustment of status, this was denied. Dor again applied for adjustment of status, and it was again denied. Dor applied for a writ of habeas corpus, this was denied. Each one of these requests for waiver of deportation was appealed to the Board of Immigration Appeals and sometimes to the courts, as well. Five times throughout these proceedings, Dor requested that his case be reopened. These requests, too, were denied. And these denials, he appealed.

This example is far from unique. To the contrary, it is rather typical. I could cite many, many others. It is time for this to stop.

Some reforms Senator HATCH included at my suggestion in the antiterrorism bill that was recently enacted will go a long way toward stopping it. The reforms contained in the legislation now before the Congress, including those from the original bill and those added through the amendments I offered at markup, would go still further in that direction. I am sorry that on account of the procedural posture

we are in, made necessary by the effort of some Members to bring up matters entirely extraneous to reforming illegal immigration, we will not have the opportunity to consider this additional amendment. I expect, however, to find an occasion in the near future to ensure its consideration.

Mr. SIMPSON. Mr. President, I would like to commend my able colleague for this excellent suggestion. Unlike some of the rest of what he has proposed in connection with this legislation, I wholeheartedly commend his untiring efforts with respect to criminal aliens, which I believe have improved the bill. I think this most recent proposal is likewise one I would support, and I do hope to have occasion to consider it further.

Mr. ABRAHAM. I very much appreciate the kind words of my colleague and friend from Wyoming.

Mr. ROTH. Mr. President, I rise today to speak in favor of this bill, on which Senator SIMPSON and others have labored so hard and for so long. The bill will do much to stem the tide of illegal immigration into this country.

During the Judiciary Committee's mark up of the bill in March, several provisions were added that address the problem of criminal aliens in this country. I want to draw my colleagues' attention in particular to these provisions, because they significantly strengthen the Federal Government's ability to deport and exclude aliens who have committed serious crimes in our country. Senator ABRAHAM pushed for these provisions in committee, and he is to be commended for that effort.

I would like to offer a brief historical perspective on the nature of the criminal alien crisis, based on my past investigative and legislative work in this area. Criminal aliens represent a problem of enormous proportions, and a problem, regrettably, that our present criminal and immigration laws do little to address.

In simplest terms, criminal aliens are noncitizens who commit serious crimes in this country. Currently, aliens who commit certain serious felonies are deportable or excludable. The problem is that at present we permit such aliens to go through two completely separate systems—one for their crimes, and one for their immigration status—in a way that invites abuse and creates confusion. The results are dismal.

At my direction during the previous Congress, the Permanent Subcommittee on Investigations conducted an investigation and held 2 days of hearings regarding criminal aliens in the United States. The subcommittee's investigation found that criminal aliens are a serious and growing threat to our public safety. They are also an expensive problem. Under even the most conservative of estimates, criminal aliens cost our criminal justice system hundreds of millions of dollars each year.

No one, including the INS, knows for sure how many criminal aliens there are in the United States. A study by our subcommittee staff estimated that there are about 450,000 criminal aliens in all parts of our criminal justice system including Federal and State prisons, local jails, probation, and parole. Incredibly, criminal aliens now account for an all time high of 25 percent of the Federal prison population.

Under current law, aliens who commit aggravated felonies or crimes of moral turpitude are deportable. But last year only about 4 percent of the estimated total number of criminal aliens in the United States were deported. The law is not being enforced in part because it is too complex with too many levels of appeal. It needs to be simplified.

The law is also not being enforced in part because INS does not have its act together. The INS is unable to even identify most of the criminal aliens who clog our State and local jails before these criminals are released back onto our streets.

As things now stand, many criminal aliens are released on bond by the INS while the deportation process is pending. It is not surprising that many skip bond and never show up for their hearings, especially in light of the fact that the INS makes little effort to locate them when they do abscond. In 1992 alone, nearly 11,000 aliens convicted of serious felonies failed to show up for their deportation hearings. It is safe to assume that many of them walk our streets today.

A frustrated INS official described the current state of affairs aptly when he said of criminal aliens—and I quote—''only the stupid and honest get deported.'' The others abuse the system with impunity.

Ironically, criminal aliens who have served their time and are fighting their deportation routinely received work permits from the INS, which allow them to get jobs while their appeals are pending. One INS deportation officer told the subcommittee staff that he spends only about 5 percent of his time looking for criminal aliens who have absconded, because he must spend most of his time processing work permits for criminal aliens with pending deportation proceedings. This is an outrageous situation.

Although, our investigation found that the INS is not adequately responding to the criminal alien problem, the INS does not deserve all the blame. Congress has made it far too difficult for the INS and law enforcement officials to identify, deport, and exclude criminal aliens.

In response to these problems, I introduced legislation last Congress and again during this one that would simplify the task of sending criminal aliens home. I am gratified that through the work of Senator ABRAHAM and the Judiciary Committee, S. 1664 contains some of the provisions in my legislation, as well as some additional improvements. Among them are the following: First, the bill broadens the definition of aggravated felon to include more crimes punishable by deportation. Second, it prohibits the Attorney General from releasing criminal aliens from custody. Third, it requires the Attorney General to deport criminal aliens—with certain exceptions—within 30 days of the end of the aliens' prison sentence, and mandates that such criminal aliens ordered deported by taken into custody pending deportation. Finally, it gives Federal judges the ability to order deportation of a criminal alien at the time of sentencing.

To be sure, during the floor debate on this bill, many colleagues have expressed sharp differences in how they wish to go about reforming our immigration laws. However, it is my hope that all Senators would agree that deporting and excluding aliens convicted of committing serious crimes ought to be a top priority. Because fixing existing laws to accomplish this goal ought to be an equally high priority, I urge my colleagues to support this bill.

ASYLUM AMENDMENT

Mr. LEAHY. Mr. President, yesterday the Senate adopted the asylum amendment that I offered along with Senators DEWINE, HATFIELD, KERRY, and WELLSTONE to preserve our asylum law for those seeking refuge from oppression. In addition to our colleagues who voted for the amendment, there are a number of people to thank for this important change in the Senate bill.

Three of our House colleagues, Representatives DIAZ-BALART, ROS-LEHTINEN, and SMITH felt so strongly about these provisions that they took the extraordinary step of sending ''Dear Colleague'' letters to the Senate urging that others join us ''in protecting human rights around the world'' and in supporting this amendment.

I would like to thank Alan Baban and Ana X. who appeared with me on April 30 in advance of the vote and retold their experiences with oppression and asylum. Without them and the refugees who came forward to make the case, we could not have succeeded in amending this bill and the antiterrorism law.

I want to thank all of those from around the country who wrote to me and my colleagues about the importance of this amendment. I know that the correspondence and calls that I received from Patrick Giantonio of Vermont Refugee Assistance; Gerry Haase of the Tibetan Resettlement Project; David Ferch and Philene Taomina of Groton; Bob Rosenfeld, Jane Bradley, Jean Lathrop, and Helen Rabin of Plainfield; Brenda Torpy and Dr. Jennifer Heath of Burlington; Barbara Buckley of Worchester; Valerie Mullen of Vershire; Helen Reindel, Joanna Messing, Sylvia Terry and Charles Ballantyne of Montpelier; Margaret Turner of Belmont; Don Kizer of Cavendish; Roald Cann of Springfield; Dr. A. Joshua Sherman of Midd; Pinelope Bennett of Norwich; Richard Moore of Putney; Sydney Liff of Attamount;

Abbas Alnasrawi of Shelburne; Robert and Mary Belenky of Marshfield; and other Vermonters about the asylum provisions of the bill were most meaningful. They understand what the disastrous impact of the changes in our asylum law, which would have been imposed by this bill, would have meant to real people facing oppression around the world.

I want to thank the Committee to Preserve Asylum, which has worked diligently from the beginning to focus needed attention on these provisions of the bill. Earlier this week I met with a number of representatives of organizations who support this effort, including Eve Dubrow of UNITE; John Fredicksson of the Lutheran Immigration and Refugee Service; Richard Foltin of the American Jewish Committee; Richard Li Albores of the National Asian Pacific American Legal Consortium; Michelle Pistone of the Lawyers' Committee for Human Rights; John Swenson of the U.S. Catholic Conference, Carol Wolchok of the American Bar Association; and Patricia Rengel of Amnesty International USA. I thank them all for their efforts on behalf of the asylum amendment and in connection with serving refugees in need from around the world.

I am grateful for the letters of support from the U.S. Catholic Conference, the American Bar Association, the American Friends Service Committee, the American Immigration Lawyers Association, the American Jewish Committee, the Lawyers Committee for Human Rights, the Asian Law Caucus, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Asian American Legal Defense and Education Fund, the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, the Mexican American Legal Defense and Educational Fund, the United Church Board for World Ministries, the ACLU, the National Asian Pacific American Legal Consortium and the Women's Commission for Refugee Women and Children.

At the risk of offending others, I want publicly to commend Carol Wolchok of the ABA, Michelle Pistone of the Lawyers Committee for Human Rights, Michael Hill of the U.S. Catholic Conference, Professor Philip Schrag of Georgetown, and Dr. Allen Keller of N.Y.U. for their tireless efforts on behalf of this amendment. They and those working with them live their commitment to justice and freedom every day. They help make America the great country that it is and must remain.

I am also especially grateful for the support of Bishop Cummins, the chairman of the Committee on Migration of the U.S. Catholic Conference. I had received an earlier letter from Cardinal Law in which he noted his opposition to the provisions in the bill that would have virtually eliminated the United States' commitment to help refugees seek protection from persecution. I am proud that the U.S. Catholic Conference supported the Leahy amendment, even though our amendment does not get as far as they would like.

I want to thank Anne Willem Bijleveld, the Representative of the United Nations High Commissioner for Refugees, for all her support on this matter.

In signing the antiterrorism law last week, the President included the following in his message: ''The bill also makes a number of major, ill-advised changes in our immigration laws having nothing to do with fighting terrorism. * * * The provisions will produce extraordinary administrative burdens on the Immigration and Naturalization Service.'' I believe that the President was referring to the requirements for summary exclusion that the Senate immigration bill would amend.

In a February letter the President sent to Congressman BERMAN, he noted his concern that ''we not sacrifice our proud tradition of refugee protection and support for the principles of the Convention Relating to the Status of Refugees.'' The President noted: ''This critically important Treaty, which responded to the displacement that followed the Second World War, has enjoyed broad bipartisan support in the Congress. Moreover, our efforts to urge other governments to comply with its provisions has been a major element of our diplomacy on international humanitarian issues.''

Specifically on the matter of summary exclusion, the President favors a ''carefully structured stand-by authority for expedited exclusion.'' That is what our amendment, in contrast to the bill, now provides.

With regard to the overall proposals for summary exclusion, the President wrote that they were ''too broad and would also result in considerable diversion of INS resources.'' He noted that: ''These provisions seem particularly unnecessary in view of the successful asylum reforms we have already initiated.''

Human rights organizations have documented a number of cases of people who were ultimately granted political asylum by immigration judges after the INS denied their release from INS detention for not meeting a credible fear standard. Under the summary screening that was proposed in the bill, these refugees would have been sent back to their persecutors without any opportunity for a hearing. I included many such examples in the RECORD on April 17. I now have collected many, many more.

I urge my colleagues to consider how the bill will impact refugees seeking asylum here and not just consider the theoretical possibility that they might be treated as the exceptional case.

Furthermore, the bill would have denied the federal courts their historic role in overseeing the implementation of our immigration laws and review of individual administrative decisions. The bill would have allowed no judicial review whether a person was actually excludable and would have created unjustified exceptions to rulemaking procedural protections under the Administrative Procedure Act. These proposals would have signaled a fundamental change in the roles of our coordinate branches of Government and a dangerous precedent.

I urge my colleagues, especially those who did not support the asylum amendment, to think further about these important matters. While doing so, please do not continue to confuse asylum with illegal immigration. Do not vote with regard to circumstances that no longer exist after the recent reforms of the asylum process.

Refugees who seek asylum in the United States are not causing problems for America or Americans. They come to us for refuge and for protection. Let us not turn them back. Let us not abandon America's vital place in the world as a leader for human rights.

I want to thank and commend the Managers of the bill. Both Senator KENNEDY, who supported the asylum amendment, and Senator SIMPSON, who did not, have been exceptionally fair to me and to all of us on this issue and on every aspect of the bill. Immigration is a complicated issue and one that evokes emotions and strongly held feelings. They have been exceptional managers of this legislation and are extraordinary members.

I want to pay special tribute to my friend from Wyoming. On the asylum issue I might call him a worthy opponent, except that I do not believe that we are opponents. I believe that we both are working toward the same goal and both want America to remain a beacon of hope and freedom to the oppressed, wherever they may be.

He has announced that he will not be seeking reelection. That will be the Senate's loss. He is a dedicated, respected and productive member of this body. There are not many like ALAN SIMPSON and I will miss his counsel and his humor. I look forward to our continuing to work together on this important bill and many other matters in the days ahead.

Mr. SIMON. Mr. President, I want to thank the chairman and ranking member of the Immigration Subcommittee—Senators SIMPSON and KENNEDY—for their dedication and commitment to the issue of illegal immigration. They have steered the Senate through a difficult process, and we are all appreciative of their efforts this time, as we have been on numerous occasions past.

I will vote against final passage of this bill. The bill contains much that I support. I am gratified that the Senate has voted to retain the verification pilot programs that were adopted as a compromise in committee. These pilot programs are essential to combating the job magnet that lures illegal immigrants to the United States, and will also make immigration-related job discrimination less likely.

I am also gratified that the Senate passed the Leahy asylum amendment yesterday. This amendment, by preserving our Nation's commitment to providing safe haven for victims of persecution abroad, was a substantial improvement in this legislation, and one that corrected one of the major problems with this legislation as it came out of the Judiciary Committee.

Finally, unlike the House immigration bill, the Senate bill does not contain any provision allowing States to deny undocumented alien children primary or secondary education. Adoption of such an amendment would have been an imprudent response to the problem of illegal immigration, and would have cost the Nation far more than it would have saved it.

Despite the virtues of this legislation, I am compelled to vote against it because it still suffers from some serious problems—in particular, the provisions of the bill that serve to deny legal immigrants Government assistance. While I support the idea of tightening current deeming requirements, the bill will deny legal immigrants assistance that will prevent, not encourage, legal immigrants from receiving welfare, such as higher education and job training assistance. The bill makes a sieve out of the safety net that is essential for the most vulnerable of our society—children, pregnant women, and the disabled. Finally, this bill retroactively expands deeming requirements for those immigrants who are in the country today, without the benefit of a legally binding affidavit of support. There is no question that sponsors should be primarily liable for the well-being of the immigrants they bring in. At the same time, this bill lacks the flexibility that is necessary if we are to ensure a balanced and fair approach to the issue of immigrants and public assistance.

I am concerned about much of the rhetoric about immigrants and public assistance that has accompanied this debate. While we have heard much about the pressures immigrants place on our system of public assistance, the fact is that the overwhelming majority of immigrants—over 93 percent—do not receive welfare, and that working-age nonrefugee immigrants use Government assistance at the same levels as native-born Americans. While specific programs—in particular, SSI—receive disproportionate use by immigrants, we should address such problems specifically, without cutting off access to resources that will help immigrants avoid the welfare dependency that concerns us all.

Having set out my objections to the bill, I hope that I will be able to support a conference agreement on illegal immigration. The House immigration bill has several provisions in the public assistance area preferable to the Senate bill—in particular, the exemption from deeming for higher education, and the limitation on programs that can give rise to deportation as a public charge. Adoption of these provisions in the conference will substantially improve this legislation.

On the other hand, any illegal immigration conference agreement should not include any provision allowing States to deny primary or secondary educational assistance to undocumented aliens. Such a provision, while not in the Senate bill, is in the House bill. Inclusion of such a provision in the conference agreement would cause many of those who support the Senate bill to oppose the conference report.

We are close to having an illegal immigration bill we can all be proud of, but we are not there yet.

Mr. THURMOND. Mr. President, I rise today in support of S. 1664, the Immigration Control and Financial Responsibility Act of 1996. It cannot be disputed that our immigration system is currently fraught with serious problems, including a flood of illegal immigrants, criminal aliens, undesirable burdens on public services, and many other concerns. These problems weaken our country as a whole, and erode public support for basic principles which are central to our Nation. Americans are a generous people, but they do not like to have their generosity abused. I am pleased that we have confronted these hard issues with both compassion and resolve, and that the Senate is now giving consideration to final passage of this immigration reform bill.

Among the many notable provisions in this immigration bill are those designed to increase enforcement of our borders; limit ineligible aliens' public benefits; improve deportation procedures; and reduce alien smuggling. There is no serious disagreement over the pressing need to strengthen our laws against illegal immigration, but there has been much debate over the details of how this can best be achieved. I am committed to enacting this legislation in order to sharply reduce the flow of illegal aliens into our Nation, by ensuring adequate enforcement along our borders, among other things.

Mr. President, I commend Senator SIMPSON for his leadership on immigration issues, and particularly on his role in bringing this important legislation to this point today. Although we have not agreed on every issue, the commitment and expertise of Senator SIMPSON have been invaluable in moving needed reform forward.

Immigration matters are complex and tend to be divisive. It is my belief, however, that illegal immigration is among the most serious problems confronting our Nation today. We should pass this legislation to address these problems, and I urge my colleagues to adopt this measure.

RELAX NATURALIZATION REQUIREMENTS FOR HMONG PATRIOTS

Mr. WELLSTONE. Mr. President, I rise to express my support for an important provision in the House version of S. 1664, the illegal immigration bill, which I had intended to offer as an amendment to this bill. This House provision, authored by Congressman VENTO, would help expedite the naturalization of Hmong patriots recruited by the CIA who served alongside U.S. military forces during the Vietnam war. Earlier this week, I submitted a corresponding amendment in this Chamber. The Wellstone amendment No. 3872, would have relaxed the naturalization requirement for permanent residents who served in these guerrilla units in Laos, and their spouses or widows, by waiving the language requirement and the residency requirement aliens normally must meet. I still believe these steps are necessary to address the unique situation of the Hmong, and I will continue to press for their enactment.

Let me describe what has happened over the past few days. I was prepared to offer the amendment, but after discussion with numerous colleagues on and off the committee, it has become clear that a number of Senators had concerns about the reach and scope of the changes being proposed, and thus would likely be unwilling to support my amendment in its current form. While I intend to continue to press hard for these changes, I do not want to endanger the chances for these provisions in the conference committee by pushing this to a premature vote, the outcome of which is in doubt, and so I will not offer the amendment. Instead, I will continue to work with Senator SIMPSON, Senator KENNEDY, the other Senate conferees, and Congressman VENTO to craft a provision they will find acceptable.

I was surprised and disappointed that there were concerns expressed about this amendment. I had thought it would be noncontroversial. During the Vietnam war, the CIA recruited tens of thousands of Hmong people to serve in special guerrilla forces, to fight against the Communist government in Laos. Between 10,000 and 20,000 of them are estimated to have lost their lives in this struggle, and thousands more were forced to flee to refugee camps or to other nations when the war ended to avoid the persecution that many feared would follow. Many came to the United States, concentrating in California, Minnesota, Wisconsin, New York, and several other States.

These men and women, many of whom were very young when they served, have sacrificed a great deal in defense of our Nation, and they deserve an improved chance to become citizens. The waivers I have proposed are consistent with our long tradition of recognizing the service of those who come to the aid of the United States during wartime.

Normally, under current law, aliens or noncitizen nationals who served in U.S. forces are eligible for naturalization regardless of age, period of residency, or physical presence in the United States. The Hmong patriots, however, fall through the cracks because the units with which they served

were not technically U.S. units, despite the fact that in many cases they were recruited, trained, and funded by the intelligence services of the U.S. Government, and coordinated closely with U.S. forces in the region. Many served as scouts for U.S. forces, and there are many stories of their extraordinary heroism in helping to rescue downed U.S. pilots during this period.

The most serious obstacle these Hmong patriots face in obtaining citizenship is the language barrier. The Hmong language has not existed in written form until very recently, so it has been enormously difficult, especially for older Hmong, despite their best efforts, to learn to read and write in English.

The House bill would waive the residency and language requirements for naturalization. These steps are necessary to address the unique situation of the Hmong. By far the most serious problem facing this community is their difficulty with learning English. While for some current law waiver regulations applying to residency are sufficient, this authority does not cover all of them.

Mr. President, there is a long-established precedent for granting waivers to groups who fought bravely on the side of U.S. forces in defense of freedom all over the world. U.S. law has allowed those who fought with us in WWI and II, the Korean war, and the Vietnam war to be naturalized, regardless of age, period of residence, or presence in the United States. It has also been allowed for those who served with us, but were not technically part of U.S units. In the 1990 immigration bill, Congress adopted a waiver for Filipino scouts who served in World War II. Many of them have now become full-fledged citizens who participate in the democratic process.

No one appreciates the value of the democratic process more than Seng Thao, who fought for 7 years against the Communists in Laos and was wounded twice. When he began his training, he was only 14. Although his military service ended in 1975, he stayed in Laos to defend his family and his village until 1979. It was in 1979 that his family made the voyage to Thailand, where they were sent to a ''re-education'' camp. There they were reportedly physically abused, and coerced to give up everything they had. They were later moved to Ban Vanai Refugee camp.

Seng Thao came to the United States in 1980, and now works at Riverview Packaging in Minneapolis. He is a productive member of society, and has earned the right to be called a U.S. citizen. He writes, ''I would like to be a citizen of this great country * * * because this is my home now.''

Another Hmong patriot, Wa Chi Thao, was recruited in 1961 when he was 11 years old. During his 14 years of fighting, he suffered a wound in a bomb explosion, came to the aid of two downed American pilots, and saw his wife die in combat. Before coming to live in St. Paul, MN, Thao and his family spent 10 miserable years in refugee camps.

Mr. President, however we feel about the legacy of the Vietnam war, let us recognize the service of these patriots who came to the aid of the United States in a time of war, and honor the memories of those they left behind, with this modest step. It would not open the floodgates for new immigration by creating a new category of immigrants, nor would it make Hmong patriots eligible for veterans benefits. It simply recognizes the service of Seng Thao and other Hmong like him, who served in U.S.-recruited units during the Vietnam war, by granting them a waiver of the English residency requirements and a waiver of the residency requirement. It does not automatically extend them citizenship, but acknowledges their contributions by easing the path to citizenship.

As the immigration bill moves to a House-Senate conference committee, I urge my colleagues who will serve on the conference to recede to the House language on this important provision. I am confident that we can work together to provide these critical benefits to Hmong veterans who served or Nation during wartime.

Mrs. MURRAY. Mr. President, as the Senate considers S.1664, the Immigration Control and Fiscal Responsibility Act, I want to take this opportunity to explore and comment on a number of the key issues.

Immigration reform has always been a controversial issue for our immigrant based society. As our Nation continues to develop and grow, it is appropriate for the Senate to debate these issues. Therefore, I want to complement the members of the Judiciary Committee, both the majority and the minority, who have labored to bring this bill to the floor.

The bill does do much to address the problems associated with illegal immigration. I support the bill's provisions to add several thousand new border patrol agents between now and the year 2001. Additionally, I support the language to add new INS investigators to enforce alien smuggling and employment laws. Illegal immigration along our Southern border is a serious and costly problem. We have a responsibility to meet the needs of our Southern States and to ease the financial burdens associated with illegal immigration.

It is important to note that many of the bill's provisions dealing with illegal immigration are similar, and in some cases identical, to legislation proposed by President Clinton. Despite the ongoing problems with illegal immigration, the Clinton administration has waged an unprecedented campaign against illegal immigration. The administration has increased the number of Border Patrol agents by 40 percent since 1993. The administration is on target to meet its goal of 7,000 Border Patrol agents, trained and deployed, by the end of fiscal year 1998. I commend the administration for committing the financial resources and political capital to fight illegal immigration.

Despite laudable attempts to combat illegal immigration, this legislation threatens to become a punitive vehicle aimed directly at children and families. My objections are numerous; I will detail a few today. If the Senate chooses to follow our House colleagues down the road of punishing children and families as well as abandoning our historical and cultural acceptance of legal immigrants, I will oppose the legislation.

My objections begin with any effort to combine legal immigration restrictions and cutbacks with S. 1664, the bill before the Senate to curb illegal immigration. The effort to combine the two issues will doom passage of illegal immigration reform this year.

Legal immigrants have long been a source of strength for our Nation. My own family has an immigration story to tell. My husband's family immigrated to Washington State from Norway and settled in the Ballard section of Seattle. Even today, the Ballard community remains the focal point for Scandinavian culture in Seattle. Flags from Norway dot most of the storefronts, school children can learn to speak Norwegian and summer festivals highlight our shared cultural heritage. My husband's family came to Seattle as the shipping and fishing industries first began to shape the Pacific Northwest economy. Today, these industries generate thousands of jobs for Washingtonians and more than $1 billion in annual economic activity.

Just as early immigrants boosted the growth of the shipping and fisheries industries, today's immigrants are instrumental to the growth of Washington's high-technology sector. My Washington State colleague, Senator SLADE GORTON, and I wrote to Chairman SIMPSON in late November to express our opposition to language that would severely restrict the ability of the high-technology industry to access global talent when necessary to facilitate economic growth in the United States. Tens of thousands of Washington State residents are employed in the high-technology industry at high-skill, high-wage jobs. Senator GORTON and I both believe in the historic record of the United States in attracting and keeping the best international talent and harnessing this talent for the benefit of all residents of our State and our country.

I also want to take a moment to express my strong personal and moral objection to any amendment to deny educational benefits to any child. This in my mind is perhaps the most troubling language associated with this bill. I simply cannot understand this attempt to punish innocent children as well as turn our classrooms into interrogation rooms, and our teachers into INS agents. This language is veto bait; both

the Secretary of Education and the Attorney General have indicated this language will generate veto recommendations for the President.

The U.S. Supreme Court in Plyler versus Doe ruled that States may not, consistent with the 14th amendment, deny undocumented children the same free public education they provide to other children living in the State.

The language barring children from school is mean-spirited. I am saddened the House of Representatives chose to include this language in its version of illegal immigration reform. I implore on the Senate, please reject this cruel attack on innocent children. The language is in reality a massive unfunded mandate upon our schools and upon the State and local government entities that will be forced to pay costs associated with these barred children in the community on a daily basis.

This legislation proposes to allow States to base a legal immigrant's eligibility for a host of public assistance programs on their income, and that of their sponsor. I am particularly concerned about this legislation's impact on children.

Here are just some of the services children now have access to that States could deny them under this proposal: Maternal and Child Health Services, Preventive Health and Health Services, public health assistance for immunizations and testing and treatment to prevent the spread of communicable diseases, services from Community Health Centers, Child Care and Development Block Grant services, Child Nutrition Act Programs, including Women and Infant Children [WIC], and Head Start.

All these programs help children. All could be denied to certain, legal immigrant children. I would like to remind the proponents that children's needs are not different, just because their paperwork is different. And what could be more noble or of greater benefit to the Nation than giving a child—any child—every opportunity to succeed in life?

Mr. President, I remain committed to combating the problems associated with illegal immigration, particularly in the Southern States where our problems are most severe. It remains my hope that this legislation will not lose focus on this objective.

Therefore, Mr. President, I intend to vote in favor of S. 1664. I do so with reservations, however, because the Senate rejected a number of very good amendments, which, if adopted, I believe would have strengthened this bill. As it stands, this bill will achieve some needed reforms in immigration policy. However, I feel it dances a bit too close to the line in terms of humanitarian treatment of individual people.

I can say with confidence that if the Senate bill is altered in any way to reflect the House-passed bill during conference, I will not support it. Specifically, I cannot in good conscience support any provisions that would deny basic human services, such as education and health care, to children. Likewise, I cannot support any conference report that places new onerous restrictions on legal immigration. I do not believe this would be in the interest of the Nation's economy or culture.

By sticking close to the Senate mark, a conference committee on illegal immigration reform can show the American people that Congress is occasionally capable of putting aside fundamental differences and crafting consensus legislation that serves the public interest. I sincerely hope this happens.

Mr. KOHL. Mr. President, I rise today in strong support of our efforts to address the problem of illegal immigration. It is shameful and, frankly, embarrassing that the strongest nation in the world has had such difficulty controlling its own borders. This bill will help us make progress in this crucial area.

The administration has already begun to make headway. Commissioner Meissner and the INS have strengthened the Border Patrol and targeted agents and equipment to the areas with the highest number of illegal entries. They've improved the asylum process, reducing asylum claims by 57 percent and clearly restoring integrity to the system. And they deported a record number of criminal and noncriminal illegal aliens in 1995.

But with almost 4 million illegal aliens residing in this country, we obviously need to do more. Mr. President, this legislation is a good start. With broad bipartisan support, S. 1664 was voted out of the Judiciary Committee. This bill is not perfect and the proposed reforms not foolproof, but the American public has sent a clear message. They want us to act against those who break our laws to come here, who take jobs at the expense of hard-working Americans, and who surreptitiously benefit from the generous safety net provided by our tax dollars.

We approved a number of good amendments during the Judiciary Committee markup, as we have done these past weeks during floor debate. We have worked together in a bipartisan manner and moved forward, recognizing that this issue is too important, and this problem too serious, for us to have let progress be indefinitely delayed by peripheral debates.

Mr. President, let me address a number of the contentious issues that arose during our debate on this bill.

First and foremost, I am pleased that we kept separate the illegal and legal immigration measures. Simply put, illegal and legal immigration are fundamentally different issues. And Congress must not let our common frustration with illegal immigrants unfairly color the circumstances of legal immigrants: The risk of injustice is too great.

Mr. President, we put our minds to it and effectively debated the provisions of S. 1664, and we can do the same with regard to the legal immigration bill. If the majority of the Senate agrees that problems exist in both areas, then combining legal and illegal reform packages would only have impeded fair and deliberative treatment of either issue.

Second, we should be pleased that we maintained the guts of this bill: The proposed verification pilot projects. Those who oppose the pilot projects have legitimate concerns about the accuracy of data, the uses to which that data is put, and whether it will really decrease employment discrimination and the employment of illegal aliens. But the response to these concerns should not be to throw out the idea altogether. I am pleased that the Senate voted to uphold the reasonable compromise adopted by the committee. That is, conduct extensive demonstration projects, see if they work and then ask Congress to take a look at the results and decide whether a national verification system is a good idea. If the verification system is ineffective or, worse, civil liberties are compromised, we can junk the system. And we should. But if pilot projects could move us down the road toward a workable approach, one which stops illegal aliens from getting jobs, then at the very least it deserves a try.

Third, with regard to the summary exclusion provisions, we all agree that the United States must uphold its obligation to provide refuge for people legitimately fleeing persecution. And obviously the challenge lies in balancing our desire to provide a safe haven with the need to protect our borders and avoid fraud.

As mentioned earlier, INS has begun to move us toward achieving this balance. And the Judiciary Committee added its help by adopting a 1-year post-entry time limit for filing defensive asylum claims. However, S. 1664's provisions establishing new grounds for the exclusion of immigrants who arrive at our borders without proper documentation and claim asylum were troubling. Senator SIMPSON's bill would have essentially left the determination of whether that claim is credible to a Border Patrol agent. These changes would have placed the United States at serious risk of sending legitimate asylees back to their persecutors. Indeed, the U.N. High Commissioner on Refugees had told us as much, all in the name of solving a problem that does not exist. Fortunately, Senator LEAHY's amendment to remove the summary exclusion provisions succeeded.

Fourth, the issue of deeming and the related obligations of an immigrant sponsor are extremely complex. Persuasive arguments can be made on both sides but, overall, this bill's provisions strengthening an immigrant sponsor's obligations are fair and prudent. It is reasonable to ask that the sponsor's affidavit of support be legally enforceable and that deeming extend to more public assistance programs. When legal immigrants come to this country they take a vow not to become a public

charge. And it is the sponsor, not the taxpayer, who should foot the bill when a legal immigrant needs help. However, I must express regret that the Senate voted down the Chafee amendment. At a minimum, the Senate should have ensured that illegal aliens are not afforded more privileges than legal immigrants and approved this provision in the interest of public health.

Finally, I am pleased that S. 1664 includes my amendment on the international matchmaking business. This amendment launches a study of international matchmaking companies, heretofore unregulated and operating in the shadows. These companies may be exploiting people in desperate situations. The study is not aimed at the men and women who use these businesses for legitimate companionship. Instead, it is a very positive and important step toward gathering the information we need so that we can determine the extent to which these companies contribute to the very troubling problems of domestic violence against immigrant women and immigration marriage fraud.

Mr. President, my own parents were immigrants. There is no doubt that our Nation has benefited immensely from the hard work and ambitions of the generations of legal immigrants that have chosen to start new lives in America. This bill, by cracking down on illegal immigration, will continue this rich tradition. I commend the hard work and commitment of the managers of the bill, Senators SIMPSON and KENNEDY.

Our current immigration policies, though not perfect, stand as strong evidence that the United States is fundamentally a generous and compassionate nation. Though we sometimes differ over the best way to continue that strong tradition, we all share a common desire to stem the tide of illegal immigration to this country. With our minds on the common goal, let us approve this legislation on behalf of the American public.

Mr. DODD. Mr. President, I rise today to speak in support of this bill to curb illegal immigration.

Since its first days as a nation, the United States has always been a refuge for those seeking to escape political and religious persecution. America has consistently provided limitless economic, political, and social opportunities for those who come to our Nation and are intent on working hard and improving their lives and those of their children.

It is this influx of immigrants from diverse cultures and distant lands that has made America a shining example to the world. That's why millions of people across the globe look to the United States as a land of opportunity. It's why they come to our borders in the hopes of entering our Nation and achieving a better life.

It was the promise of the American Dream that brought my family to this country from Ireland. And it was the desire for a better life that brought millions of other immigrants to America, whether they came over on the *Mayflower* or if they came to our land in just the past few days.

As Franklin Delano Roosevelt reminded us more than 50 years ago, with the exception of native Americans, ''All of our people all over the country. * * * are immigrants or descendants of immigrants, including even those who came over here on the *Mayflower*.''

Nearly every Senator in this body is a descendant of immigrants. And I believe that we should provide the same opportunities for those who come after us as our forefathers accorded to those who came before us.

However, while I strongly support continued immigration to our Nation, there are proper rules and procedures to be adhered to. If you play by the rules and follow the laws of our country than the opportunity to live in America should be available.

But, the opportunity to come to America does not give people the right to enter our Nation illegally. It does not give them the right to break the law. Nor does it give companies or businessman the right to hire illegal aliens and take away jobs from hard-working Americans who pay their taxes and play by the rules.

Let me just say that I commend this administration for all it has done in curbing illegal immigration. Since 1993, the Clinton administration increased the Immigration and Naturalization Service budget by 72 percent. More than 1,000 new Border Patrol agents have been deployed. Additionally, more than 140,000 illegal and criminal aliens have been deported since 1993.

What's more, this administration is helping more eligible immigrants become citizens. In fact, in fiscal year 1995 more than half a million citizenship applications were completed.

These are substantial gains, but there is more to be done and this bill takes important steps in the right direction.

This legislation increases the size of the Border Patrol. It authorizes voluntary pilot projects to test improved employee verification system. It forces sponsors to take greater responsibility for the immigrants they bring into the country. And it increases the penalties for alien smuggling and fraud.

These are all necessary steps and I believe they are necessary to curb illegal immigration in our country. What's more they were strongly influenced by the bipartisan Jordan Commission on Immigration Reform.

While, I do remain concerned about the benefit provisions in this legislation, there are enough positive aspects of this bill to make it worthwhile.

I am particularly pleased that this body decided to defer taking up the issue of legal immigration. It is essential that we do not confuse the two issues.

Legal immigrants play by the rules that this government has established. What's more, legal immigrants have an overwhelmingly positive benefit for this Nation.

Legal immigrants pay nearly 95 percent more in taxes then they receive in benefits. More than 93 percent do not receive welfare benefits. In fact, native-born Americans are more likely to receive welfare then poor immigrants.

Legal immigrants are not the problem. They play by the rules and they don't deserve to have their benefits or their rights cut.

I am also pleased that this bill includes the Leahy amendment, which prevents barriers from being placed in front of those who seek political and humanitarian asylum.

We must avoid putting those who come to our country seeking asylum, into a position where their political beliefs could cause them to face the possibility of imprisonment, injury, or even death if they return to their homeland.

We must never forget as a nation that America has and will continue to be seen as a beacon of hope and freedom for those who are oppressed or maltreated. We must not shirk our role as a haven for those fleeing persecution.

Unfortunately, I think those facts have sometimes been lost in our recent national debate on immigration. They should always be our core concern when discussing immigration reform measures.

Our Nation was founded on the concept of taking in the downtrodden and persecuted. And throughout our history, America has prospered because we have kept the doors open for new immigrants.

Today, we must continue to maintain our obligation to immigration as a nation and as a people. While not perfect, I believe this bill takes us in the right direction toward upholding our commitment to an inclusive and commonsense immigration policy.

Mr. HELMS. Mr. President, the U.S. Government has a duty to control immigration, and it is failing miserably. Passage of this bill will help halt the large migration of illegals into our country.

But, due in part to the service rendered by the able Senator from Wyoming [Mr. SIMPSON] on this bill, S. 1664, ''The Immigration Control and Financial Responsibility Act of 1996'' the Federal Government will have meaningful tools to discourage illegal immigration and better handle illegal aliens in our country. We are grateful for the enormous amount of time and expertise AL SIMPSON has devoted throughout his tenure in the Senate to the formulation of a workable, credible immigration policy. All of us have benefited from Senator SIMPSON's tireless efforts.

Mr. President, immigration is an especially important issue to the American people, and it is important that we not forget that ours is a nation of

immigrants. America has always had a very generous immigration policy. But while it is politically correct in some circles to call for an open immigration policy—allowing in all who seek admission—it would be a serious mistake of judgment to fail to assess the consequences of an out-of-control influx of immigrants, legal or illegal.

During the 1985 consideration of immigration reform, some Senators cautioned against granting amnesty to the illegal aliens pouring across our borders. I was among those who stated such an apprehension. It was envisioned that such amnesty would establish a dangerous precedent certain to encourage even more illegal immigration. Another concern in the 1985 debate was the potential for an enormous increase in Federal welfare spending. Both concerns were valid and both have come to pass.

The National Bureau of Economic Research, Inc., has compiled statistics showing that from 1984 to 1990, the percentage of welfare benefits distributed to immigrant households has risen from 9.8 to 13.8 percent. There is no indication that the percentage will decrease in the years ahead.

The abuse in the Supplemental Security Income Program alone is startling. According to the Congressional Budget Office, 25 percent of the growth in SSI between 1993 and 1996 is due to immigrants—an astounding number because of the percentage of immigrants among SSI recipients—2.9 percent of the general population are immigrants and 29 percent of the SSI-aged beneficiaries are immigrants.

Thousands of North Carolinians, and others across the Nation, have contacted me to describe their problems with the current U.S. immigration system. Most often, citizens express disgust at the numbers of noncitizens receiving welfare benefits almost from the day they slip over the borders into the United States.

Mr. President, it is impossible to suggest to my fellow North Carolinians that there is any wisdom or common sense to an immigration policy that allows noncitizens to receive welfare checks or any other Federal benefits and services. Sponsors of this bill agreed. The bill correctly changes the current system which aliens can sign up for a long list of welfare benefits including Aid to Families With Dependant Children, Supplemental Security Income, and food stamps. With mention seldom, if ever made, of the U.S. law these aliens are violating—a law which clearly states that nobody may immigrate to the United States without demonstrating that he or she is not ''likely at any time to become a public charge.'' Hard-working taxpayers should not be required to shell out funds to aliens who have broken the promise they made when entering the country.

North Carolinians will be relieved to learn that many attempts—through the amending process—to lessen the impact of the bill's rigid enforcement of this law were soundly defeated. In addition, the bill further forbids receipt of any Federal, State, or local government benefit by noncitizens.

Mr. President, it is virtually impossible to estimate the total number of illegal immigrants in our country—in 1983, the Immigration and Nationalization Service estimated that there were 3.4 million in our country. Some have crossed our borders illegally while others have overstayed their visas and permits. The National Immigration Forum has given what is perceived as a conservative estimate that the number of illegals in the United States is about 3.2 million, pushed downward by the amnesty of 1987–88 which has resulted in a 200,000 to 300,000 addition to America's population each year.

At a time when the Federal Government is wrestling with its $5 trillion debt, it is the responsibility of Congress to find out where the taxpayers' funds are being used. It is our duty to take a position on the doling out of the taxpayers' funds to people not legally in our country and aliens who should not be in line for welfare benefits.

As of Tuesday, April 30, the debt stood at $5,102,048,827,234.22, meaning that every man, woman, and child in our Nation owes $19,271.23 on a per capita basis.

Mr. President, the bill before the Senate tightens the enforcement and improves the effectiveness of our immigration law by: First, adding additional Border Patrol and investigative personnel; second, creating additional detention facilities; third, increasing penalties for alien smuggling and document fraud; fourth, reforming asylum, exclusion and deportation law and procedures; and fifth, by ending distribution of welfare to noncitizens.

I support this measure because it will make it more difficult for immigrants to enter this country illegally. This is a bold step to protect the rights and best interests of citizens of the United States.

Mr. FEINGOLD. Mr. President, I rise to explain my opposition to S. 1664, the illegal immigration bill approved by the full Senate today.

There are several provisions in the bill that I strongly support and that I believe will significantly improve our ability to curb illegal immigration. For example, providing additional personnel and resources to the Border Patrol marks an unprecedented effort to provide law enforcement agencies with the tools to maintain the integrity of our border. And the tough new penalties authored by the Senator from Michigan, Senator ABRAHAM, and myself for those who come here legally and fail to depart when their visas expire is the first time ever anyone has proposed cracking down on the visa overstayer problem—a problem that represents up to one-half of our illegal immigration problems.

In addition, I am also pleased that we were able to ensure that this legislation does not dramatically reduce current levels of legal immigration. As I have consistently said, we should focus on those who are breaking the rules, not those who are abiding by them.

Unfortunately, the bill contains very troubling provisions relating to the establishment of a national worker verification system that I remain strongly opposed to and that I believe violate the principle I have just outlined.

Some believe that a massive new national verification system to verify the identity of all U.S. citizens and alien residents is a measured response to the illegal immigration problem. I could not disagree more. INS tells us that less than 2 percent of the U.S. population is here illegally. I do not understand why some believe it is a measured response to verify the identity of 98 percent of the population—that which is residing here legally—to root out the small percentage that is here illegally.

Moreover, the cost to employers of complying with this Federal mandate and navigating this complex new Federal bureaucracy cannot be understated. Will employers be required to buy expensive computers and the necessary software so they can communicate with a Federal bureaucrat in Washington, DC?

I do not understand how some of the same Senators who so vocally supported regulatory relief for small businesses last year can be so enthusiastic about passing yet another Federal mandate and more Federal paperwork onto our Nation's employers.

Finally, I joined the Senators from Michigan, Senator ABRAHAM, and Ohio, Senator DEWINE, in a bipartisan attempt to remove the bill's new and onerous requirements relating to birth certificates and driver's license.

S. 1664 would mark an unprecedented Federal preemption of every State's right to fashion and issue their birth certificates and driver's license. Under this bill, local and State agencies must comply with federally mandated regulations relating to the composition and issuance of these identification documents. I oppose the federalization of these documents, and am gravely concerned that such an act puts us squarely on the road to having some sort of national ID card.

Moreover, the bill does not contain one word about how the States and local governments are to pay for these changes. Again, this provision stands in direct contradiction to one of the 104th Congress' few bipartisan successes—the enactment of unfunded mandates legislation. These provisions represent an enormous unfunded mandate, and is precisely why they are opposed by the National Conference of State Legislatures and the National Association of Counties.

Mr. President, I do want to take a moment to commend the senior Senator from Wyoming, Senator SIMPSON, and the senior Senator from Massachusetts, Senator KENNEDY. They have

taken on a tremendously difficult task and they are to be recognized for their hard work and dedication to reforming our immigration laws.

I do regret that I have some fundamental disagreements over how we should go about reforming those laws, but I look forward to working with my colleagues to modify these provisions during the duration of the legislative process so as to minimalize the bill's impact on our Nation's employers, workers, legal immigrants and State and local governments.

I yield the floor.

Ms. SNOWE. Mr. President, I would like to express my deep appreciation to the managers of S. 1644, Chairman SIMPSON and Senator KENNEDY, for their support for my two amendments that have been adopted en bloc. These are amendments Nos. 3873 and 3874, as amended.

Mr. President, these two noncontroversial amendments relate to problems that have developed in recent years with the movement of persons along Maine's border with the Canadian province of New Brunswick.

The first amendment expresses the sense of Congress on New Brunswick's discriminatory application of its Provincial sales tax only on those Canadians crossing the border with the United States and not on Canadians crossing the border from other Canadian provinces. The second amendment calls for the U.S. Customs Service to conduct a study of reports of harassment by Canadian Customs officials of Canadians returning to New Brunswick from Maine.

Mr. President, nearly 3 years ago, in July 1993, Canadian Customs officers began collecting an 11 percent New Brunswick Provincial sales tax on goods purchased in the United States by New Brunswick residents. It immediately became clear that this tax collection at the United States-New Brunswick border was intended to discourage Canadians from shopping in Maine. This is evidenced by the fact that New Brunswick collects the tax only along its international border with the United States, not along its border with other Canadian provinces. Thus, the tax is being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States.

I would like to make it clear that while I regret such cross-border impediments to the movement of people and goods, New Brunswick's right to attempt to collect its sales tax on the purchase of goods outside the province by New Brunswick residents has never been questioned. The issue is the discriminatory application of New Brunswick's sales tax only on goods purchased in the United States, an application that runs directly counter to the letter and spirit of the North American Free Trade Agreement.

Mr. President, this impediment to the cross-border movement of persons and goods not only violates Canada's NAFTA obligations, but it has severely damaged the economies of a number of communities in northern Maine who formerly provided services to significant numbers of New Brunswick residents.

Soon after the imposition of the New Brunswick Provincial sales tax, I began working with the U.S. Trade Representative to seek redress under the then-existing dispute mechanism available under the United States-Canada Free Trade Agreement. But before that dispute mechanism could be engaged, Congress approved the North American Free Trade Agreement, which required an entirely new dispute mechanism to be created.

In February 1994, more than 2 years ago, the United States Trade Representative publicly stated that the United States would seek redress from Canada for the discriminatory application of New Brunswick's Provincial sales tax under the dispute resolution process contained in chapter 20 of the NAFTA. Trade Representative Kantor said that he would seek such redress as soon as the dispute resolution process was established.

Mr. President, the dispute resolution process contained in chapter 20 of the NAFTA has now been in place for a year, but the USTR has still not submitted this case. Therefore, my first amendment simply states the sense of Congress that the United States should move forward without delay in bringing the Provincial sales tax issue before the NAFTA dispute resolution process. The people of Maine deserve their day in court.

Mr. President, my second amendment would address disturbing reports of harassment by Canadian Customs officials of New Brunswick residents upon their return to Canada from northern Maine. The amendment asks the U.S. Customs Service to investigate these allegations, and to report back to Congress. If Customs officials find that such harassment has occurred, the amendment calls on the U.S. Customs Service to recommend actions that could be taken to address the problem.

The amendment also calls on the Customs Service to consult with representatives of the State of Maine, local businesses, and any other knowledgeable persons who might be able to assist Customs in the completion of the study. This will ensure that the Customs Service has full access to all those in Maine who have received reports of Canadian Customs harassment of New Brunswick residents.

Mr. President, these two amendments may seem minor to many of my colleagues, but they address issues that are critically important to the economic health and livelihood of many small communities in northern Maine. These communities have suffered severe economic harm from the discriminatory application of New Brunswick's Provincial sales tax and other actions taken by Canadian officials to impede cross border shopping by Canadians in the United States. Before we move forward on this important bill to better control our own borders, I believe that these issues simply must be resolved.

Again, Mr. President, I would like to thank Chairman SIMPSON and Senator KENNEDY for their critical support for these important amendments.

F–1 VISA HOLDERS

Mr. BOND. Mr. President, I would like to bring an important issue to the attention of my colleagues, INS regulations at 8 CFR sec. 214.2(f)(10) preclude practical training during the first 9-months of a full-time undergraduate student's enrollment in a Service-approved college or university. In other words, an F–1 visa holder lawfully enrolled as an undergraduate student in a college or university with an approved curriculum may not participate in practical training or an internship program without completing 9 full months of classroom time. This restriction applies to undergraduate students but does not apply to graduate students. I might add that there is no legislative history to support such a distinction.

Mr. SIMPSON. I was not aware of that regulation. Has my colleague inquired as to the position of the INS and the agency's reasoning for writing the regulation in this manner?

Mr. BOND. I sent a letter to INS Commissioner Doris Meissner requesting her to advise me of the official position of the INS and any actions the agency may take to remedy the situation. Unfortunately the INS Commissioner must not have felt that the issue was of the importance for her to respond personally. I did receive a letter from the Office of Congressional Affairs stating that the rationale for the regulation is the well-established fact that the initial academic year of an undergraduate curriculum is focused around introductory curriculum rather than paid practical training outside the classroom. The agency representative said this position is consistent with congressional intent.

Mr. SIMPSON. Is this response acceptable to my colleague?

Mr. BOND. I say to my colleague that I remain unconvinced that this regulation is consistent with the intent of Congress. This situation concerns me because a liberal arts college in Missouri that offers a full-time undergraduate curriculum includes practical training. For a number of reasons, the foreign students are rotated along with the American students through the program and a number of students begin the internship training in their first year of school. This is an impressive program. The school ensures that all the foreign students are lawfully enrolled. Finally, the college values the enrollment and participation of the F–1 visa holders. It is important to the future and the success of the program to have the flexibility to rotate the students through the practical training as needed.

Would my colleague agree that this is a matter that deserves the attention

of the INS? Should the INS find that the program is a valid program and the students are lawfully admitted, I believe these students should be permitted to participate in the practical training in this manner.

Mr. SIMPSON. I agree with my colleague that this situation deserves the attention of the INS. I would have thought that the INS Commissioner would have responded to you personally. Are the students in these programs completing their course of study? Are they receiving a liberal arts degree? I would be interested in those questions. I commend you for your interest in this issue.

Mr. BOND. The students in this program are lawfully enrolled, they complete their course of study and they receive a liberal arts degree. I have prepared an amendment to correct this situation, but I am going to withhold introducing the amendment at this time and attempt to work through this situation with the INS. However, should this situation not be addressed I will consider offering the amendment when the Senate considers the appropriate future legislation.

Mr. SIMPSON. I would be willing to give such an amendment the consideration it deserves at that time.

Mr. BOND. Will my colleague, the distinguished chairman of the Judiciary Committee, agree that this situation warrants the full attention of the Immigration and Naturalization Service?

Mr. HATCH. I agree with my colleague, the INS should give the issue the attention it deserves. Should my colleague offer such an amendment, I will also be willing to consider supporting the amendment.

Mr. BOND. I thank my colleagues for their consideration and will keep them apprised of the disposition of this important issue.

Mr. MCCAIN. Mr. President, I applaud the hard work of the Senate Judiciary Committee on this immigration reform legislation. This bill contains many important provisions that will help stem the rising tide of illegal immigration to the United States and reduce the costs to taxpayers from any continued illegal immigration.

I take this opportunity to emphasize that I voted against an amendment offered by Senator LEAHY that would have stricken summary exclusion provisions from this bill and the recently passed antiterrorism bill because we must curtail asylum abuse in order to fully address our Nation's serious problem of illegal immigration.

I also want to address a provision in the immigration bill that would allow an employer to ask an employee or potential employee for additional documentation to establish the employee's authorization to work. This provision creates an intent standard which provides that an employer does not violate fair labor standards in requesting additional documentation from an employee unless the employer intended to discriminate on the basis of race or national origin.

Under current law, an employer may not request any documents in addition to those contained on a prescribed list of documents when verifying an employee's eligibility to work. At the same time, employers fearing sanctions for hiring an illegal alien often feel compelled to request additional documents from individuals, especially when they have constructive knowledge that an individual is not authorized to work.

I understand that some have expressed concerns that changing the law could make it more difficult to prove discrimination in document abuse cases. However, cases decided before current law was enacted show that our immigration laws protect against such discrimination even without a harsh strict liability standard. Thus, I believe this change in the law strikes a proper balance between the need to protect against discrimination and the need not to punish employer's who reasonably suspect that an employee or applicant is not authorized to work.

Again, I commend the Senate Judiciary Committee on their excellent work in crafting this immigration reform legislation.

Mr. SMITH. Mr. President, I rise in strong support of H.R. 2202, the Immigration Control and Financial Responsibility Act of 1996.

It has been said before, but it bears repeating that as a nation we must close the back door to illegal immigration if the front door of legal immigration is to remain open. This landmark legislation represents a major step toward that goal.

Mr. President, as passed by the Senate, H.R. 2202 significantly augments the Nation's Border Patrol. The bill also provides the Department of Justice with important new legal tools to fight alien smuggling and document fraud. In addition, H.R. 2202 enhances the ability of the Justice Department to secure the prompt deportation of criminal aliens.

Equally important, H.R. 2202 protects the taxpayers by taking numerous steps to assure that legal immigrants come to the United States to work, not to go on welfare.

The one major provision of H.R. 2202 with which I disagree is the one that establishes pilot programs for various systems to verify the employment eligibility of new workers. Some have called this part of this bill the beginning of an eventual ''national identification system'' or ''national identification card.'' I share this concern. During the Senate's consideration of this illegal immigration bill, therefore, I voted to support the Abraham-Feingold amendment to strike the national identification pilot programs provisions from the legislation.

On balance, though, H.R. 2202 is a strong bill. It will strike a powerful blow against illegal immigration. In the majestic words of the poet Emma Lazarus, America still lifts her ''lamp beside the Golden Door'' for legal immigrants. With this bill, however, we are now moving to put a new padlock on the back door to keep out those who seek to violate our laws against illegal immigration.

Mr. BYRD. Mr. President, as we consider this legislation, I ask my colleagues to focus on this fact: According to the Immigration and Naturalization Service, there are approximately 4 million illegal immigrants permanently residing in this country today, and that number grows by an estimated 300,000 each and every year. Clearly, such numbers should be a siren song to this Congress.

That is why I will support this final, amended version of S. 1664, the Immigration Control and Financial Responsibility Act. It is, in my opinion, a positive step in our overall effort to improve our Nation's immigration policies. The bill makes much-needed and substantive reforms in the current law by focusing on the problem of illegal immigration without unfairly punishing law-abiding employers and those who come to this country and play by the rules.

This bill concentrates on better enforcement, both at our borders and in dealing with those who overstay their visa, by increasing the number of Border Patrol agents and investigative personnel over the next 5 fiscal years. It provides for 4,700 new Border Patrol agents, a total increase of 90 percent above current levels. It authorizes the hiring of 300 full-time INS investigators who will concentrate on alien smuggling and enforcing employer sanctions. And it authorizes 300 new INS officers to investigate aliens who entered legally on a temporary visa, but have overstayed that visa and are now in the United States illegally.

This bill also works to streamline current exclusion and deportation processes for anyone attempting to enter the United States without proper documentation, or with false documentation. No longer will such individuals be able to stay on indefinitely while their case is endlessly adjudicated. While genuine refugees are still offered important protections, abuse of the system will be largely curtailed through a new system which allows specially trained asylum officers at ports of entry to determine if refugee seekers have a credible fear of persecution. If they do, then they can go through the normal process of establishing their claim. But if they cannot establish a proper claim, then the new provisions in this bill will prevent them from simply being released into the streets.

Mr. President, S. 1664 also contains new language that will effectively deal with criminal aliens. For those individuals who come to this country and commit crimes—and there are an estimated 450,000 such criminal aliens in our jails and at large throughout the Nation—there are tough new provisions

in this bill that will keep them off our streets and deport them more quickly. For example, under this bill, criminal aliens will no longer have the luxury of deciding whether they will serve their sentence in this country or their home country. On the contrary, this bill allows for the renegotiation of prisoner-transfer treaties that will take away that decision from the criminal alien.

In addition, this bill places new restrictions—much-needed restrictions—on the use of welfare by immigrants. For the first time, self-sufficiency will be the watchword for those coming to the United States. By making noncitizens ineligible for Federal means-tested programs, and by ''deeming'' a sponsor's income attributable to an immigrant, the American taxpayer will no longer be financially responsible for new arrivals.

Mr. President, currently, individuals who sponsor an immigrant's entry into the United States must pledge financial support for that immigrant by signing an affidavit. But those affidavits, as it turns out, are not legally binding, and therefore not enforceable. Consequently, they are simply not worth the paper they are printed on. Under this bill, though, the sponsor's affidavit of support will be a legally binding document, thereby creating a legal claim that the Federal Government or any State government can seek to enforce. Moreover, the affidavit remains enforceable against the sponsor until the immigrant becomes a naturalized citizen, or has worked 40 qualifying quarters in this country.

Mr. President, each of the provisions that I have noted are, I believe, good provisions. Each will be effective in combating the problem of illegal immigration. But on their own, these reforms cannot stem the root of the problem. They cannot get at the underlying cause for why the United States has such a large illegal alien population, now estimated by the INS at some 4 million persons.

On the contrary, the only way to effectively halt the flow of illegal immigrants into the United States is to take away the biggest magnet of all: the magnet of jobs. Pure and simple, we must do more to deny jobs to those who are in the country unlawfully than we are presently doing. And I believe that the most realistic way to turn off the jobs magnet is through the new worker verification system provided for in this bill.

This provision, jointly crafted by Senators SIMPSON and KENNEDY, will require the President, acting through the Justice Department, to conduct several local or regional pilot programs over the next 3 years to test new and better ways of verifying employment eligibility. These pilot programs will test the feasibility of implementing electronic or telephonic verification systems that will reduce employment of illegal immigrants, while at the same time protecting the privacy of all Americans.

The verification systems that will be tested in these demonstration projects will be required to reliably determine whether the person applying for employment is actually eligible to work, and whether or not such individual is an imposter, fraudulently claiming another person's identity. Under the terms of the Simpson-Kennedy amendment, any system tested would be required to reliably verify employment authorization within 5 business days, and do so in 99 percent of all inquiries. The systems must also provide an accessible and reliable process for authorized workers to examine the contents of their records and correct errors within 10 business days. And any identification documents used in these demonstration projects must be resistant to tampering and counterfeiting.

Mr. President, as I noted at the start of my comments, I believe S. 1664 is a good bill, with many tough provisions. In my opinion, this legislation will make significant strides toward reducing the number of illegal immigrants in the United States, and in helping to lift the financial burden for these people from the shoulders of the American taxpayer.

At the same time, however, I am disappointed that the Senate did not see fit to address the entire issue of immigration, both illegal and legal. I do not believe, as I know some do, that the issues neatly separate into distinct matters. I do not believe, as some apparently do, that we can have a coherent, integrated policy in this area when we choose to ignore necessary reforms in legal immigration.

Mr. President, I believe that the time is way overdue for all of us to take a fresh, cold, hard look at our total national immigration policy and its impact on our society. It is clear to me that such an evaluation is badly needed and that a new consensus about the kind of immigration policies we need to enhance our particular goals must be formulated by the Congress. It seems indisputable to me that any nation's overall immigration policy must first and foremost seek to enhance the survival and integrity of that nation's culture as a whole by encouraging a broad consensus and shared beliefs. Simply put, our Nation must put its own citizens' concerns above the laudable goal of helping people from other nations. We must consider our own national priorities and the needs of our own citizens first.

As Alexander Hamilton said on January 12, 1802, ''The safety of a republic depends essentially on the energy of a common national sentiment; on a uniformity of principles and habits; on the exemption of the citizens from foreign bias, and prejudice; and on the love of country which will almost invariably be found to be closely connected with birth, education and family.''

But what we are beginning to see in our country is the fragmentation of peoples into groups who tend to put the group above the Nation. This trend toward Balkanization of America into ethnic enclaves is a slippage we need to take positive steps to curtail.

The extreme result of Balkanization of course is the ethnic bloodshed we have witnessed in the former Yugoslavia. When we think of immigration in America, I believe most of us draw an image of America as a melting pot where ethnic differences are subordinated for the benefit of the greater whole. Recent evidence throws this imagery into some question. The process of assimilation into a common language and belief system, and shared values, is no longer occurring as it has in the past with the waves of new immigrants now washing into our country. Rather than melting into one people, we seem to fragment and separate in warring groups.

The recent history of immigration into America shows that it is governed by, first, the laws which we write, and second, the implementation of those laws. Obviously when we write new law, we must then look to our own employment needs, to the effects on our welfare rolls, and to the impacts on the resources we dedicate to our schools and health system as we proceed. We obviously have an obligation to put our own people, their standard of living, and their opportunities for education, employment and health first. So we here in Congress must take responsibility for the effect of the immigration laws which we write on the continued health of our Nation. We cannot shirk or shift this responsibility.

The American people tell us in convincing polls, some 70 percent, that they think we are taking in more immigrants—legal and illegal—than we can properly absorb and assimilate. The Immigration Act of 1965 apparently triggered huge increases in immigration, and not necessarily by design. Various estimates, including those of the INS, project an average of well over 1 million immigrants per year, both legal and illegal, will settle in the United States in the current decade, with no subsidence of that flood in sight unless we in the Congress take action to do something about it.

To really get to the heart of the problem, we have to be willing to examine and debate the newly developing demographic dynamics among all cultural and ethnic groups including developing trends in regional and urban concentration, and our own national racial mix on a basis which is dispassionate, fair and not prejudicial. Perhaps this is difficult for many, but we cannot treat such practical analysis as taboo because a changing cultural mix in a locality, a city, a State or a region can have profound social, economic, and political consequences on us all which cannot be ignored. For instance, should we not be looking at the particular impacts of immigration in specific geographic concentrations and make an effort to reduce the possibilities of Balkanization and the creation

of enclaves? There is already some documentation of demographic movements of some ethnic groups away from, and in reaction to, such enclaves. We need to take steps to better understand the demographic shifts that are occurring in our country and the consequent economic and political results of those shifting tides.

There is one area of abuse which starkly highlights the need for thorough dispassionate review of certain practices which have reached near ridiculous proportions. It is time we reexamined our policy of rewarding family preferences automatically to the children of illegal-immigrant mothers. The practice of coming to the United States, illegally, solely to have a child which is then automatically an American citizen with right to preference in bringing in other family members has reached epidemic proportions in California particularly. Most of the births, according to the Los Angeles Times of January 6, 1992, in Los Angeles County are reported to have been of this variety. Something is clearly wrong with our policy in this regard and I support addressing the problem.

One fundamental issue which ought to be discussed is the primacy of our national language. There is nothing more fundamental to an integrated state and culture than a common language. The trend toward bilingualism in some areas, I contend, may not be productive at all, but instead may simply delay the mastering of English for many immigrants. Any policy or law which encourages the use of other languages at the expense of learning English naturally erodes our traditional national identity in a most direct and important way. Requiring education to be in English is the best way I know of to keep the melting pot melting.

Second, we seem to have shifted away from employment-oriented immigration, designed to fill particular gaps in our work force, and gravitated instead to an emphasis on family reunification. The Judiciary Committee has debated the numbers allowed for family reunification, but I would question the emphasis on this priority above employment tests for potential citizens. It seems to me to be simple common sense to encourage immigration to the United States among applicants who can help the United States meet certain needs that might strengthen our workforce and help us be better able to compete in a global economy.

Third, even when we review those employment-oriented visa programs which are now on the books, we find them to be wrongly implemented. The Labor Department Inspector General has recently found two key programs, the Permanent Labor Certification [PLC] program and the Temporary Labor Condition Application [LCA] program to be approaching a ''sham.'' These programs, allowing a combined ceiling of some 200,000 worker entry visas per year, were designed to bring in workers for jobs that could not be filled by Americans, allowing us to hire the best and the brightest in the international labor market so Americans can remain competitive in the world economy. But instead of protecting American workers' jobs and wages, the real result has been to simply displace qualified American workers for essentially middle level jobs, and the Labor Department report recommends the programs be abolished.

Fourth, there is solid evidence that some immigrants come to the United States to participate in the welfare state, or do so because of a failure to find a job in their own land. This bill, S. 1664, attempts to address this issue through strict, new, deportation rules aimed at any immigrant that becomes a ''public charge,'' and I commend the committee for that initiative. However, these new public charge regulations will have no affect unless we aggressively work to actually deport such individuals. Implementation of similar legal provisions in the past has been disappointing, and a renewed attempt is clearly needed.

The pattern of immigration since 1965 has unfortunately shifted to less skilled workers than was the case in earlier decades and, in the 1980's a large majority of immigrants came from the developing world, particularly Latin America and Asia. Surely it should not be taboo to consider whether the great numbers of developing world cultural groups can actually provide the skills needed for the current U.S. job market. Are these prevalent immigrant groups going to strengthen our Nation with their skills or weaken it because of their needs? That should be the question we ask when we write such law. The wave of immigrants is arriving as a result of policy we write in the Congress and, therefore, I suggest we are obliged to commission ongoing evaluations of the process and success of immigrant assimilation into American society. Any ethnic and national mix caused by our immigration laws should be the result of conscious, deliberate policy embodied in the laws we consider here on this floor, not of accident or politics or a disinclination to take on sensitive groups or issues.

Finally, I suggest we need to be consistent in our approach to the growing and complex problems associated with immigration. We cannot complain about the changing ethnic mix of immigrants, on the one hand, and then exploit such people for cheap labor, on the other. We need to assume responsibility for the results of our immigration policies, evaluate them on an ongoing basis, and take the legislative steps to change what we do not favor. Let us for once attempt to remove hypocrisy and political correctness from this issue, and face the realities squarely and responsibly. If we feel the ethnic mix is becoming unbalanced and the number of immigrants is too high, for the sake of our survival as a Nation, we must take the difficult but necessary steps to correct the situation. As the 1994 U.S. Commission on Immigration Reform, chaired by the late Barbara Jordan, stated in its report on page 1, ''we disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.''

As the Jordan Commission pointed out, we need to address legal immigration as well as illegal, and we need to install an enforcement system that makes it far harder to overstay visas. I hope we can get a time certain to consider S. 1665, on legal immigration and find a way to engage the other body on that matter.

Mr. SIMPSON. Mr. President, we are ready to proceed with the regular order.

VOTE ON AMENDMENT NO. 3743, AS AMENDED

The PRESIDING OFFICER. The question now occurs on the underlying amendment as amended.

Mr. SIMPSON. I thank the Chair.

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

The amendment (No. 3743), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 361, S. 1664, the illegal immigration bill:

Bob Dole, Alan Simpson, Craig Thomas, Hank Brown, R.F. Bennett, Dirk Kempthorne, Judd Gregg, Bob Smith, Trent Lott, Jon Kyl, Rod Grams, Fred Thompson, John Ashcroft, Bill Frist, Orrin Hatch, Chuck Grassley.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill (S. 1664) shall be brought to a close? The yeas are automatic.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—100

Abraham	Biden	Breaux
Akaka	Bingaman	Brown
Ashcroft	Bond	Bryan
Baucus	Boxer	Bumpers
Bennett	Bradley	Burns

Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the Senate will proceed to the immediate consideration of H.R. 2202. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause will be stricken, and the text of S. 1664, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—3

Feingold
Graham
Simon

The bill (H.R. 2202), as amended, was passed.

(The text of H.R. 2202 will be printed in a future edition of the RECORD.)

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.

MEASURE PLACED ON THE CALENDAR—S. 1664

Mr. SIMPSON. Mr. President, I ask unanimous consent that S. 1664 be placed back on the calendar.

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

(Mr. FAIRCLOTH assumed the Chair.)

Mr. SIMPSON. Mr. President, I will not be overly long. I just want to take a few minutes to thank my colleagues. This bill is the culmination of 17 years of work. It is interesting for me, as Senator TED KENNEDY and I were both on the Select Commission on Immigration and Refugee Policy 17 years ago. With this bill, we have brought to fruition most of the things that Father Ted Hesburgh and that commission suggested to us then. We have also taken welcome direction from the U.S. Commission on Immigration Reform, and the late Barbara Jordan, who chaired that body. I think with what we have done in this bill, the recommendations of those Commissions—instead of remaining as studies which stayed on the shelf—have become sweeping measures to control illegal immigration. This bill is truly sweeping.

I want to thank TED KENNEDY. Senator KENNEDY has worked with me and has helped me over quite a few hurdles. He chaired the Subcommittee on Immigration before I came to the Senate. After the Republicans became the majority party in 1980, I chaired it. There were times when we disagreed, but we were never disagreeable. He is a very special friend and a remarkable legislator of the first order.

I also want to thank Senator BOB DOLE, who has consistently arranged so that we could go forward with this important legislation. I personally appreciate not only his leadership, but his friendship. Serving as the assistant Republican leader—his assistant—for 10 years was one of my greatest honors and privileges.

I must also thank my staff. My staff includes Dick Day—the ''Reverend'' Day, I call him. He is not a Reverend, but he should have sainthood. Back in Cody, WY, I told him, I have an issue of disaster, one filled with guilt and racism, and I will be called everything in the book, but I need somebody to move to Washington to help me and love me and help me along. Well, he did that. He has lost 5 pounds within the last 13 days. I want to thank Charles Wood, who was been with me via Harvard and Berkeley and who is willing to hang in there late at night; John Ratigan, who has come to my staff from the State Department with his wealth of knowledge; John Knepper, a wonderful, bright young man from Wyoming, a very able person to assist me in these matters; Trudy Settles has been a wonderful addition to our staff; and I must also thank Kristel DeMay, Maureen McCafferty, and Uzma Ahmad—some our marvelous interns at the Subcommittee on Immigration. I also want to thank TED KENNEDY's staff, including Michael Myers; he and Dick Day work together without any kind of partisanship or things that set them apart in that way. Then there are Patty First, Bill Fleming, Ron Weich, and Tom Perez—all of whom have been a great help in moving this bill through the Senate. There have also been so many staff for so many Senators who have worked so diligently on this issue.

I must say that we have completed 51 hours and 45 minutes on this piece of legislation over 8 days—although that 51 hours 45 minutes would have been considerably shortened without the minimum wage activities of Senator KENNEDY. Nevertheless, he may have actually saved us a great deal of time because when we went into the cloture, with its parliamentary limitation of germaneness, we were saved a great deal of time on some very controversial amendments. I do not want to give him too much credit, though, because I am sure we will be trying to undo him in a few hours.

Do not go home and analyze the votes of each Senator, though, because you will never be able to explain them. Every Senator's staff is wondering why he voted this way or that. This immigration issue is about America, and America is about conflict and resolution. It is debate about these issue that pull and tear at our hearts, and that is what makes us the country we are—the most magnificent country on this bright earth.

This debate is the essence of America—passion, conflict, controversy, all the rest of it. It has been an exceedingly pleasant experience. I mean that. I love the work. I wish Senator KENNEDY well as he proceeds forward with it in the years to come. I will be observing from my future teaching post at Harvard, being assured that he is

doing it correctly. I thank my colleagues. I thank those on the floor. I thank my former co-assistant leader, Senator FORD. He helps me when he can and vexes me whenever he has the opportunity. Yet, I had come to enjoy him thoroughly in my work when we served together as assistant leaders of our parties. He did not care what I did, as long as we did not do anything with the motor voter law. That was easy to accomplish.

DAVID PRYOR, who sits here, is a friend who came with me to this place. BILL BRADLEY and I have a great friendship, and we will go on and do other things, and while the rest of you will be here to do the work. As I look around the Chamber—I do not intend to address all the Members here, but I see my colleague from Montana, who is a very special, wonderful and earthy friend. Then there is BOB DOLE, who is, I think, a most remarkable leader for this body—and perhaps other places, too.

Mr. KENNEDY. Mr. President, the vote that was just taken, 97 to 3, I think, says it all. The U.S. Senate has been debating this issue for 8 days. It has been closely divided on a number of different issues. But I feel that most of the Members, or virtually all of the Members, feel that their views were given an opportunity to be presented and to be examined and to be considered and to be voted on. And the final outcome of this is 97 to 3. It is really an extraordinary personal achievement and accomplishment by my friend and colleague, the Senator from Wyoming, Senator SIMPSON.

AL SIMPSON and I have been friends for many years. Although we have some differences, we have a deep sense of mutual respect and friendship, which has been valuable to certainly me and, I think, to him. Why a Senator from Wyoming would be willing to take on this issue on immigration has always been extraordinary and interesting to me. This is not a burning issue in his particular State.

In my State of Massachusetts, they still remember the bitter whip of the national origin quota system that divided groups and communities on the basis of where one was born. Senators from the western part of the country remember the Asian Pacific triangle that discriminated on the basis of race and discriminated against Asians up until 1965. And in many parts of the country, in between, there are communities and families who have cared very deeply about this.

Senator SIMPSON has seen the importance of this issue as a national issue and an issue for the country. This issue, as he has described it, involves so many different aspects of human emotions of passion, and discrimination, and reunification of families, and exploitation, and he has taken this on as a member of the Hesburgh Commission for Legal and Illegal Immigration, as a key figure.

We passed the Refugee Act in 1980, and then in 1986, and in 1990, and now again, to deal with something, which is of very important concern to all Americans, and that is the whole question of the illegals that come to this country.

This legislation, I think, will be extremely important and, I believe, effective in stemming the tide of illegals, not just because of the expansion of the border patrols, although that will have some effect, and not just because of the increased penalties in smuggling, as all that will have an effect; it will have an important impact in helping American workers get jobs and be able to hold them and have the enhanced opportunity for employment.

That, I think, is very, very important as well. But most of all I want to pay my respects to Senator SIMPSON for his dedication and focus on this issue. If this issue had come up over a year ago, after the 1994 campaign, when the flames of distrust and anger were being fanned in many parts of the country, we would not have had this legislation. It has only been because of the exhaustive time that the Senator has taken with each and every Member, Republican and Democrat, in the Judiciary Committee and talking to each of the various groups that have a particular interest that we have gotten to this point, and his willingness to listen to the recommendations of Barbara Jordan. I thought of Barbara Jordan when I heard that last rollcall because this was an issue which Barbara Jordan, a distinguished lady and an outstanding congresswoman, that struck the conscience of the Nation on many different occasions, and tireless in her own pursuit of justice and the elimination of forms of discrimination. She took on an enormously challenging task when few others would touch it, and in working through, made a series of recommendations. That has been the basis of this particular proposal.

So I give respect to my chairman, the chairman for the remainder of this session. I think all of us who know the importance of this issue will know that ALAN SIMPSON has played an extremely important role, addressing in a serious way, bringing judgment, conscience, consideration, and intelligence to this issue. I think this country is better served by his service.

I want to mention just briefly, Mr. President, other members of our committee: Senator SIMON. Senator SIMON, I, and Senator SIMPSON for a brief period were the only three members of the Immigration Committee. He has been a steady contributor and has an unwavering commitment to fairness which has marked his career.

Senator FEINSTEIN, for her own integrity and effectiveness in dealing with our immigration laws; Senator GRASSLEY; Senator KYL; Senator SPECTER—all active on the subcommittee.

My colleague, Senator BIDEN, Senator FEINGOLD, Senator ABRAHAM, and Senator DEWINE are deeply committed to our immigrant heritage and made major contributions to legal immigration and effectively in relation to illegal reforms.

Senator HATCH, who is chairman of our Judiciary Committee, has long been involved in the human side of immigration and has handled lengthy and contentious markups with fairness. We had very extensive markups with broad attendance—virtually unanimous attendance—and he presided over them with fairness;

Senator GRAHAM, who has presented the case for a safety net for legal immigrants and the need to avoid the unfunded mandates, as well as Senator CHAFEE and Senator LEAHY on those issues of asylum. That has been a matter of particular interest and concern to him. He has been very effective on this bill on that.

Finally, I want to mention Michael Myers, who has been of such value and help, I believe, to the Senate and to the country, as our other staff have, with Democrats and Republicans. I think all of us perhaps—maybe there are those; I do not—but there are those who underestimate the power of good will and intelligence of those who provide such assistance to all of us and make our jobs easier. Michael Myers has been there:

Patti Frist, Tom Perez, Bill Fleming, Melody Barnes, Ron Weich, Michael Mershon; and I think that we on our side have felt that the Republican staff, Dick Day, Chip Wood, John Knepper, John Ratigan, and Chuck Blahous have also been not only working for Republicans but Democrats alike.

Carlos Angulo, who has been working with Senator SIMON; Leeci Eve with Senator BIDEN, and Bruce Cohen for Senator LEAHY; all of those and others have been of great help.

Finally, I want to thank TOM DASCHLE as well, who as we were going through different times and phases of the consideration of this legislation and different aspects of it, has been a constant source of strength to me and the other members of the committee.

We look forward to the conference, and we will do our very best to bring back to the Senate a conference that carries forward the commitments of the Senate to the extent that we possibly can. This is a bill that deserves to be signed by the President of the United States.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, parliamentary inquiry. What is the order of the day?

Mr. SIMPSON. Mr. President, if I may—if the Senator will yield for a moment to let me propose a unanimous-consent request, and then the Senator from Montana may proceed.

I just want to add one note. I failed to pay tribute to Chuck Blahous. He has not been part of the immigration staff, but he is my legislative director, and was he pressed into service on this bill in a most extraordinary way.

I, too, thank my colleagues on the subcommittee: Senator KENNEDY, of course; Senator SIMON, a steady friend

for 25 years; Senator FEINSTEIN; Senator GRASSLEY, who is always there, always steady, always someone to count on; Senator KYL, who will leave a great impression and mark, along with Senator FEINSTEIN, on this subcommittee in the future; Senator SPECTER and his steadiness; BILL ROTH, my old steady friend who campaigned for me back when it was not safe to do that. I see him here. I thank him for his work.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the honorable majority leader.

Mr. DOLE. Mr. President, first, let me congratulate my colleagues, Senator SIMPSON and Senator KENNEDY, for completing action on what I consider to be a very good bipartisan immigration bill. It took 8 days. We had it scheduled for 3. So we have lost a little time. But I think the end product is probably worth it, and we hope to make up the time in the next few weeks on other matters.

Mr. President, we have before us an issue of great national importance—reform of this Nation's laws on illegal immigration. But while many Members have worked hard to move this issue forward, let's face it: The moving force has been my colleague and friend, the Senator from Wyoming—Senator SIMPSON. There are so many ways to describe how he has served America, but I believe that his work in this area will always be at the top of the list.

Illegal immigration reform is not a partisan issue. It is not a simple issue.

But make no mistake about it, this legislation is long overdue.

Mr. President, we are a nation justly proud of our heritage. That heritage is inseparable from the human experience of millions upon millions of immigrants—from every country on Earth.

That heritage is also bound up in a reverence for the rule of law—for playing by the rules.

The Immigration Control and Financial Responsibility Act combines both of these strands of our national character.

We cannot remain a great country and fail to control our borders.

We cannot evade one of the principal obligations of the Federal Government and expect the States and local communities to pick up the tab.

We cannot reward those who break our laws by picking the pockets of hardworking Americans.

In short, Mr. President, we are proud that our country is a nation of immigrants and a land of opportunity—but we will insist that everyone play by the rules.

The legislation before us provides for increases in the numbers of enforcement personnel and creates additional detention facilities. Perhaps most important, it provides for the first time some realistic hope that our Border Patrol can cope with the overwhelming nature of illegal immigration by increasing the numbers of agents.

The bill, however, also recognizes that fully half of the illegals currently in this country were once here legally under a visa, but then simply stayed. This is not a problem that can be addressed by fences along the border—this is a matter of the will to enforce our laws.

Visa overstayers are here now—when we discover who they are they should be sent on their way.

The bill also provides strong measures for perhaps the ultimate insult to our national sovereignty. This is the case when those who violate our immigration laws, the violate our criminal laws as well.

I am particularly pleased that the Senate adopted the Dole-Coverdell amendment which closed some of the loopholes that currently exist in our deportation laws.

Under the Dole-Coverdell amendment, violations of domestic violence, stalking, child abuse laws, and crimes of sexual violence have been added as deportable offenses.

It is long past time to stop the vicious acts of stalking, child abuse, and sexual abuse. We cannot prevent in every case the often justified fear that too often haunts our citizens. But we can make sure that any alien that commits such an act will no longer remain within our borders.

Mr. President, I salute my colleagues who have worked so hard on this legislation. They have rendered America a great service, and it is my hope that a strong, bipartisan vote in favor of this bill will send a message that America will no longer stand by passively—we will take control of our borders. And most of all, Mr. President, we will ensure that no one cuts in line in front of those who play by the rules.

So I salute my colleagues who have worked hard on this legislation. They have rendered America a great service. It is my hope that we can come out of the conference with a strong bipartisan bill.

I again congratulate my colleagues on both sides of the aisle for their efforts. I yield the floor.

Mr. HATFIELD. Mr. President, today the Senate passed much needed legislation to restructure our Nation's laws with respect to illegal immigration. I want to take this opportunity to commend my colleagues Senator SIMPSON and Senator KENNEDY for their diligence and leadership in crafting legislation to address this issue. As this debate has shown, the highly emotional and diverse views on the issues surrounding both legal and illegal immigration makes it very difficult to get a consensus on legislation reforming our immigration laws.

Despite previous efforts by Congress to control illegal immigration, the evidence shows that thousands of people cross the border illegally each year. Clearly, our Nation simply cannot continue to absorb this unregulated stream of illegal aliens. The costs to society of permitting a large group of people to live in an illegal, second-class status are enormous. It strains not only the financial resources of our local, State and Federal governments, but also the compassion of our people. The Immigration Control and Financial Responsibility Act will help ensure that the Federal Government meets it's responsibility to enforce our Nation's illegal immigration policies.

This legislation nearly doubles the number of Border Patrol agents over the next 5 years, authorizes an additional 300 INS investigators, increases criminal penalties for alien smuggling and document fraud, and authorizes additional detention facilities for illegal aliens. Through these increased enforcement activities, our Nation will be better equipped to stem the flow of illegal immigrants across our borders and to respond to the problems and abuses which accompany the presence of a significant illegal population. For these reasons, I voted in favor of final passage of this legislation.

I did so not without some reservations. While I believe in the underlying principles of the legislation, I have serious concerns over some of the provisions agreed to in this bill. I am concerned about the costs and administrative burdens this legislation may impose on the States by the extension of deeming to all Federal means-tested assistance programs. Additionally, by failing to exempt some minimal emergency and health services from deeming, I am fearful that we will discourage legal aliens from seeking basic treatments such as immunizations and prenatal care. As we know, this can lead to adverse effects to the public health and safety.

In addition, the original version of the bill contained provisions which imposed unwarranted new bars to an individual's ability to seek political asylum in this country. Due to my concern about these summary exclusion procedures, I joined Senator LEAHY as a cosponsor of his amendment to limit the use of summary exclusion except in emergency migration situations.

Mr. President, most persons who are fleeing persecution do not have the luxury of asking their governments for appropriate exit papers to leave their countries. Many flee without documents. Others flee with fraudulent documents. The summary exclusion provisions in the underlying bill had the potential of excluding these people if they failed to convince an INS border officer that they have a credible fear of persecution.

I can understand the concern that our asylum laws have been abused in the past. But we have taken steps to reform the asylum system. In 1995, our asylum system was tightened and adequate resources have been invested to root out these abuses. This effort has been successful; 90 percent of claims are now adjudicated within 60 days of their receipt. There has been a drastic decline in new asylum applications, from 13,000 per month at the end of 1994 to 3,000 per month currently. One reason for this is that asylum seekers are

no longer automatically eligible for work authorization. As a result of the reforms, our asylum system now works to ensure that legitimate asylum seekers are protected and those who file fraudulent claims are weeded out.

We have a tradition in this country of protecting bona fide refugees. We have an asylum system that is working well to continue this tradition. The provisions included in the underlying bill would have undermined our good efforts to the detriment of the very people we are seeking to protect. The Leahy amendment appropriately gives the Attorney General the flexibility to address emergency migration situations but retains our current asylum procedures for those who arrive in the United States and request political asylum. I am happy to say that my colleagues in the Senate recognized the importance of retaining this flexibility and voted to include this amendment in the final bill.

While I support the general principles underlying this bill, I believe we must also find new ways to address the problems of illegal immigration. I am among the first to admit that we cannot afford to absorb an unregulated flow of immigrants into our country. However, I am concerned by the shortsighted approach that is taken to address this problem. Sometimes we find ourselves so caught up in the crises of the day that we forget to look at the root causes of problems. In the case of illegal immigration, I think we have fallen into this trap.

We can continue to increase our Border Patrol and our enforcement activities in the United States. We can build a wall that stretches along the United States-Mexico border and the United States-Canadian border. While this may make it more difficult for illegal immigrants to enter the United States, I do not believe that these measures will solve the problem of illegal immigration. Similarly, we can tighten employer sanctions and cut off all public benefits for illegal aliens, in an attempt to take away the ''magnets'' which create the desire for people to enter our country with or without proper documentation.

I believe we must look beyond these so-called magnets to focus on creating opportunities for people within their own countries so they aren't compelled to leave in search of better opportunities to support their families. To do this, the United States must maintain it's leadership in promoting human rights, democracy, and economic stability in our neighboring countries, and around the world. Unfortunately, I fear that we have recently begun to retreat from this position. In the past few years, the United States has curtailed it's spending on foreign aid and humanitarian assistance programs. This year, we essentially demolished our international family planning program, which will severely affect maternal and child health around the world. Further, we continue to funnel arms into the poorest and most politically unstable countries across the globe.

We cannot continue along this path. It is only when we address the root causes of illegal immigration—poverty, warfare, and persecution—that the United States can truly address and eliminate this problem.

One final note, Mr. President. In this bill, we have significantly enhanced the ability of the Immigration and Naturalization Service [INS] to meet one of its primary missions, to control the entry of illegal immigrants into this country. But, I would like to take this opportunity to remind my colleagues that the enforcement mission is not the only mission of the INS. The INS also exists to serve, to meet the needs of citizens, legal residents, and visitors. It has the responsibility to provide service to millions of individuals and employers who are following the rules, and trying to bring family and employees into the United States legally.

Due to the recent national attention that has been given to illegal immigration, I fear that this part of the INS mission statement has been severely neglected. For example, many district and regional INS offices have unreliable phone service, have tremendous backlogs in paperwork, and fail to initiate community outreach. My State's district office in Portland, OR, no longer even distributes necessary forms to the public. I had planned to introduce an amendment to this bill which would have addressed this situation. It would have required all INS district and regional offices to distribute forms, and would have expressed the Senate's desire that the INS provide adequate resources to fulfill its service mission.

Unfortunately, I did not have an opportunity to bring this amendment to the floor for consideration on this bill. However, I believe this is an issue of utmost importance and will continue to pursue enhancing the INS's service mission through subsequent legislation or through communications with Commissioner Doris Meissner. Citizens, permanent residents, and visitors across the country need, and deserve, to have access to the services only the INS can provide for them.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

RAISE THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, the American people are baffled by the continuing, relentless, Republican opposition to a fair increase in the minimum wage. A raise of 90 cents an hour for America's lowest paid and hardest-pressed workers is so fundamentally fair and reasonable that it is hard to imagine why anyone would oppose it.

Our Republican friends are hoisted by their own hypocrisy. They preach the value of work, but they reject a living wage. The minimum wage has not been raised in 5 years. It is stuck at $4.25 an hour, $8,500 a year—not even enough to lift a family out of poverty.

There is even more hypocrisy than that. Republican Senators have voted for three pay raises themselves in that 5-year period—thousands of dollars for themselves, but not one dime for families struggling to survive on the minimum wage.

Senator DOLE has compiled, to put it mildly, an interesting voting record on the minimum wage during his career in Congress. His position appears to depend on the fads of politics, or perhaps the phases of the Moon. The only consistency is that there is no consistency.

Arriving in Congress as a freshman in the House of Representatives in 1961, he took an extreme antiminimum wage position against President Kennedy's proposal to raise the minimum wage. At the time, the minimum wage had not been increased since 1955. An increase was one of the first priorities of President Kennedy's New Frontier, and Congress responded quickly and favorably.

Tomorrow—Friday, May 3—is the 35th anniversary of BOB DOLE's vote against the bill, which President Kennedy signed into law on May 5, 1961, and which raised the minimum wage from $1 to $1.25 an hour.

In fact, the minimum wage had been one of the key issues in the Kennedy-Nixon 1960 Presidential campaign. As a Senator in 1960, President Kennedy had led a battle to raise the minimum wage, but Congress failed to act when House-Senate conferees deadlocked in a post-convention session in August 1960. President Kennedy then took the issue to the country, and in a TV ad that fall opposing Vice President Nixon's position, he stated:

> Mr. Nixon has said that a $1.25 minimum wage is extreme. That's $50 a week. What's extreme about that? I believe the next Congress and the President should pass a minimum wage for a $1.25 an hour. Americans must be paid enough to live.

BOB DOLE and Richard Nixon were wrong to oppose President Kennedy's minimum wage increase 35 years ago—and BOB DOLE and RICHARD ARMEY are wrong to oppose President Clinton's minimum wage increase today.

At least once a decade since then, however, Senator DOLE has voted the other way and supported an increase in the minimum wage. He did so in the 1970's, and again in the 1980's. And I urge him to do so now in the 1990's.

Seven years ago, Senator DOLE and many of the same Republicans who are now leading the opposition to a 90-cent increase in the minimum wage supported precisely that—a 90-cent increase.

Senator DOLE supported it. Congressman NEWT GINGRICH supported it. The Senate voted 89 to 8 in favor of the increase. The House of Representatives voted 382 to 37 in favor of the increase. In fact, 80 percent of the Republicans in Congress in 1989 voted for a 90-cent increase in the minimum wage, and Republican President George Bush signed it into law.

In 1989, the minimum wage equaled $3.35 an hour. At that time, after adjusting for inflation, it was at its lowest level since 1955. That's why there was overwhelming bipartisan support for a fair increase.

The minimum wage is now $4.25 an hour, but once again, it is nearing a 40-year low. If Senator DOLE and our Republican friends could support a fair increase in the minimum wage as recently as 1989, when its value had sunk to its lowest point since 1955, why can't they support a fair increase in 1996, when its value is once again reaching its lowest point since 1955?

Our Republican friends say, ''Oh dear, we're worried that many of those nice young hard-working men and women will lose their jobs if we raise the minimum wage.'' Spare us those crocodile tears. A hundred and one of the Nation's most respected economists say that raising the minimum wage by the 90 cent's I'm proposing won't cause any significant job loss. The only real tears that our Republican friends are shedding are for business profits, not workers' jobs.

In fact, a great deal more evidence is available today about the job effect of a minimum wage increase than was available in 1989. Studies of the 1989 Federal increase, as well as studies of recent State increases above the Federal level, provide no evidence that these increases have had a significant adverse effect on jobs.

Professor Richard Freeman of Harvard University—one of the Nation's preeminent economists—concluded in a review of these studies:

> . . . at the level of the minimum wage in the late 1980s, moderate legislated increases did not reduce employment and were, if anything, associated with higher employment in some locales.

Professor Freeman goes on to say that the fact that ''moderate increases in the minimum wage transferred income to the lower paid without any apparent adverse effect on employment . . . at the turn of the 1990s is no mean achievement for a policy tool in an era when the real earnings of the less skilled fell sharply.''

These studies have convinced the overwhelming majority of leading economists to support a minimum wage increase. In the fall of 1995, 101 economists, as I have mentioned—including three Nobel Prize winners—signed a strong statement of support for a higher minimum wage.

Even the Employment Policies Institute Foundation—a think-tank which is funded primarily by the restaurant industry and which is vigorously opposed to an increase in the minimum wage—was forced to admit in a paper by Kevin Lang of Boston University that ''this author can find little effect on employment levels from changes in the minimum wage.''

This strong support from leading economists for a moderate increase in the minimum wage was not available in 1989. The quantity of evidence of the substantial benefits and the negligible costs of raising the minimum wage was not available at that time. And yet, Senator DOLE, Speaker GINGRICH and many other Republicans who are leading the opposition to a higher minimum wage today were still able to vote for a minimum wage increase in 1989.

Some opponents of an increase today argue that the 1989 increase was more acceptable because it set a lower minimum wage for teenagers working at their first jobs. The 1989 legislation included a so-called training wage which expired in 1993. It permitted employers to pay teenage workers 85 percent of the minimum wage for up to 90 days.

But again, we know now what we did not know in 1989—the youth subminimum wage was a failure. The Labor Department submitted a study to Congress in 1993 summarizing three surveys which found that very few employers actually used the subminimum wage. In the 27 States where State law allowed employers to pay a subminimum wage, not more than 5 percent of employers chose to use it.

Employers did not like the youth subminimum wage, and they did not use it. They did not use it because they could not find workers willing to work for that low a wage. Also, employers did not want two workers, side-by-side doing the same job, with one paid less because he or she was younger than the other.

The youth subminimum provision cannot explain the change of heart of those in Congress who supported a minimum wage increase in 1989 but oppose it today.

Issues do not get any clearer than this. More than 80 percent of all Americans support an increase in the minimum wage. In every segment of our society and every region of the country, a large majority of Americans want a fair increase in the minimum wage.

It is easy to understand why raising the minimum wage has such broad support among the American people. You don't have to be a rocket scientist to understand this issue, because it is an issue of fundamental fairness. One of the major challenges of 1996 is the economic insecurity facing the vast majority of families. Americans are working harder and earning less. They hear the talk about prosperity, but they do not see it in their lives. Millions of families feel left out and left behind, and those at the bottom of the ladder are being left the farthest behind.

A simple vote in the Senate can change all that. Our message is clear—raise the minimum wage.

The economic evidence supports an increase in the minimum wage. The American people support an increase in the minimum wage. A majority in the Senate and the House support an increase in the minimum. The time has come for an up-or-down, yes-or-no vote on increasing the minimum wage.

Let the Senate vote. Raise the minimum wage. No one who works for a living should have to live in poverty.

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

Mr. HELMS. Mr. President, the American Petroleum Institute reports, for the week ending April 26, that the United States imported 8,052,000 barrels of oil each day, 10,000 barrels less than the 8,062,000 barrels imported during the same period a year ago. This is one of those rare weeks when less oil was imported in 1996 than for the same week in 1995.

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

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States—now 8,052,000 barrels a day.

POLISH-GEORGIAN CREDIT UNION PARTNERSHIP

Mr. NUNN. Mr. President, I would like to take this time to bring to the Senate's attention an exciting movement which is currently under way in Poland. It is a movement to create and develop credit unions for the benefit of Polish citizens.

A unique partnership now exists between the Polish National Association of Cooperative Savings and Credit Unions and the Georgia Credit Union Affiliates. Georgia-based credit unions will provide assistance in the development and implementation of new credit union services and products for the benefit of Polish credit union members. This relationship provides the opportunity for the exchange of information, experience, and expertise which is critical to the formation of sound financial institutions.

Many Polish citizens now enjoy some of the same benefits of credit union membership that many here in America have long taken for granted. One of the more important benefits is the ability to play a role in the appointment of the credit union's officers through direct election. This democratic function instills greater confidence and trust in the credit union by

insuring that its officers are responsive to the members' concerns and interests. It also provides hands-on experience in local democratic institutions, which are the building blocks of strong national democracies.

Along with the personal benefits associated with credit union membership comes the more important collective benefit of capital formation. Financial institutions such as banks and credit unions have always served an important function in providing capital for new businesses and in turn economic growth. This is based on the fundamental relationship between savings and investment. Greater individual savings leads to greater business investment. This investment leads to more productivity and greater competitiveness, and we know that greater competitiveness means better jobs and higher standards of living. The bottom line is that a critical component to Poland's prospects for long-term economic development and growth must be the assurance that all Polish citizens have access to sound financial institutions for their hard earned savings and that these institutions serve their communities well.

I applaud the ongoing efforts to build and strengthen Poland's private financial institutions. In particular, I want to recognize Grzegorz Bierecki who has been instrumental in the development of the credit union movement in Poland. I also want to thank Mike Mercer, president of the Georgia Credit Union Affiliates, for bringing this matter to my attention. I believe this movement is worthy of the Senate's attention and support.

RETIREMENT OF BERNICE HARRIS

Mr. HATCH. Mr. President, this is a sad day in the U.S. Senate.

Mrs. Bernice Harris, a loyal and hard-working employee in the Russell Coffee Shop, leaves the Senate today after more than three decades of dedicated service.

In a body which is divided on many issues, it is safe to say there is total agreement on Bernice.

Bernice made the Senate, and in particular the Russell Building, a better place in which to work. Each morning, we could count on seeing Bernice's smiling face and her friendly greeting, undoubtedly helping us get through a hectic day.

We will all miss Bernice's unflinching good cheer as well as her unique outlook on life. Bernice has such a wonderful perspective that she never failed to improve my day and many days of many others in the Senate community.

So although it's a sad day in the Senate, it is a happy day in the house—the household of Bernice Harris. It is hard for me to relate how much we will miss Bernice. I am sure my colleagues will join with me in wishing Bernice well for her much-deserved retirement.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, a great many Americans don't have the faintest idea that the Federal debt is so incredibly enormous. Quite often, I ask friends if they know how many millions of dollars are there in a trillion?

Few know, but one thing they do know is that it was the U.S. Congress that ran up the enormous Federal debt that is now over $5 trillion.

To be exact, as of the close of business yesterday, May 1, 1996, the total Federal debt—down to the penny—stood at $5,096,321,323,731.34. On a per capita basis, every man, woman, and child in America owes $19,249.10.

So, Mr. President, there are a million million in a trillion, which means that the Federal debt is now in excess of 5 million million dollars.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:30 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 2149. An act to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes.

H.R. 2641. An act to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The message further announced that pursuant to the the provisions of 22 U.S.C. 276h, the Speaker appoints the following Members on the part of the House to the Mexico-United States Interparliamentary Group for the Second Session of the 104th Congress; Mr. KOLBE of Arizona, Chairman, Mr. BALLENGER of North Carolina, vice Chairman, Mr. GILMAN of New York, Mr. DREIER of California, Mr. GALLEGLY of California, Mr. MANZULLO of Illinois, Mr. BILBRAY of California, Mr. DE LA GARZA of Texas, Mr. RANGEL of New York, Mr. MILLER of California, Mr. GEJDENSON of Connecticut, and Mr. FILNER of California.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2149. An act to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2641. An act to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

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–2391. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of comments on the second, third, and fourth special messages for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Foreign Relations, and to the Committee on Governmental Affairs.

EC–2392. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Veterans' Affairs.

EC–2393. A communication from the Chairman of the Council of Economic Advisers, Executive Office of the President, transmitting a report entitled, ''Job Creation and Employment Opportunities: The United States Labor Market, 1993–1996''; to the Committee on Labor and Human Resources.

EC–2394. A communication from the Assistant General Counsel for Regulation, Department of Education, transmitting, pursuant to law, a notice of funding priorities for the Special Studies Program; to the Committee on Labor and Human Resources.

EC–2395. A communication from the Commissioner of the Office of Special Education and Rehabilitative Services, Department of to Education, transmitting, pursuant law, the annual report on Federal activities related to the Rehabilitation Act for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–2396. A communication from the Director of the National Science Foundation, transmitting a draft of proposed legislation to authorize the Foundation for fiscal years 1997 and 1998; to the Committee on Labor and Human Resources.

EC–2397. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Corporation, transmitting, pursuant to law, a notice of three final rules; to the Committee on Labor and Human Resources.

EC–2398. A communication from the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on the activities and efforts of the Resolution Trust

Corporation for the period October 1 through December 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2399. A communication from the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the final report on professional liability litigation of the Resolution Trust Corporation for the period October 1 through December 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2400. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled ''The Methamphetamine Control Act of 1996''; to the Committee on the Judiciary.

EC–2401. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency For International Development, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2403. A communication from the U.S. Sentencing Commission, transmitting, pursuant to law, the report of amendments to the sentencing guidelines; to the Committee on the Judiciary.

EC–2404. A communication from the Office of the Attorney General, transmitting, pursuant to law, the report under Foreign Intelligence Surveillance Act for calendar year 1995; to the Committee on the Judiciary.

EC–2405. A communication from the Program Director of the National Fund for Medical Education, transmitting, pursuant to law, the report of the audited financial statement for calendar year 1995; to the Committee on the Judiciary.

EC–2406. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, the report on wiretaps for calendar year 1995; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes.

By Mr. THURMOND, from the Committee on Armed Services:

Mr. THURMOND. Mr. President, pursuant to section 3(b) of Senate Resolution 400, 94th Congress, I ask that S. 1718, the Intelligence Authorization Act for fiscal year 1997, be referred to the Senate Armed Services Committee.

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.

Referred to the Committee on Armed Services for a period not to exceed 30 days of session, pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress to report or be discharged.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

John R. Lacey, of Connecticut, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1998. (Reappointment)

Glenn Dale Cunningham, of New Jersey, to be U.S. Marshal for the District of New Jersey for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

PANAMA CANAL COMMISSION

Markos K. Marinakis, of New York, to be a Member of the Board of the Panama Canal Commission, vice John J. Danilovich.

IN THE AIR FORCE

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Richard B. Myers, 000–00–0000, U.S. Air Force

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. John P. Jumper, 000–00–0000, U.S. Air Force

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Ralph E. Eberhart, 000–00–0000, U.S. Air Force

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Carl E. Franklin, 000–00–0000, U.S. Air Force

IN THE ARMY

The following U.S. Army National Guard officers for promotion in the Reserve of the Army to the grades indicated under title 10, United States Code sections 3385, 3392, and 12203(a):

To be major general

Brig. Gen. Jerome J. Berard, 000–00–0000
Brig. Gen. James W. Emerson, 000–00–0000
Brig. Gen. Rodney R. Hannual, 000–00–0000
Brig. Gen. James W. MacVay, 000–00–0000
Brig. Gen. James D. Polk, 000–00–0000

To be brigadier general

Col. Earl L. Adams, 000–00–0000
Col. H. Steven Blum, 000–00–0000
Col. Harry B. Burchstead, Jr., 000–00–0000
Col. James E. Caldwell III, 000–00–0000
Col. Larry K. Eckles, 000–00–0000
Col. William L. Freeman, 000–00–0000
Col. Gus L. Hargett, Jr., 000–00–0000
Col. Allen R. Leppink, 000–00–0000
Col. Jacob Lestenkof, 000–00–0000
Col. Joseph T. Murphy, 000–00–0000
Col. William T. Nesbitt, 000–00–0000
Col. Larry G. Powell, 000–00–0000
Col. Roger C. Schultz, 000–00–0000
Col. Michael L. Seely, 000–00–0000
Col. Larry W. Shellito, 000–00–0000
Col. Gary G. Simmons, 000–00–0000
Col. Nicholas P. Sipe, 000–00–0000
Col. George S. Walker, 000–00–0000
Col. Larry Ware, 000–00–0000
Col. Jackie D. Wood, 000–00–0000

(The above nominations were reported with the recommendation that they be confirmed.)

**In the Army there are 9 promotions to the grade of colonel (list begins with Ralph G. Benson). (Reference No. 896.)

**In the Air Force there are 4 appointments to the grade of second lieutenant (list begins with Brian H. Benedict). (Reference No. 963.)

**In the Air Force Reserve there are 18 promotions to the grade of lieutenant colonel (list begins with Michael G. Colangelo). (Reference No. 964.)

**In the Marine Corps there are 92 promotions to the grade of colonel (list begins with Michael C. Albano.) (Reference No. 966.)

**In the Marine Corps there are 337 promotions to the grade of lieutenant colonel (list begins with William S. Aitken). (Reference No. 967.)

***In the Army there are 6 promotions to the grade of major (list begins with Wesley S. Ashton). (Reference No. 985.)

**In the Army there are 2,429 appointments to the grade of second lieutenant (list begins with Andre B. Abadie). (Reference No. 987.)

**In the Army there is 1 promotion to the grade of major (Mark H. Lauber). (Reference No. 1013.)

**In the Army Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Jeffrey Dootson). (Reference No. 1014.)

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Daniel Bolas). (Reference No. 1015.)

**In the Army Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Richard R. Eckert). (Reference No. 1016.)

**In the Army Reserve there are 46 promotions to the grade of colonel and below (list begins with Ernest R. Adkins). (Reference No. 1017.)

**In the Army there are 4 promotions to the grade of lieutenant colonel (list begins with Raymond A. Costabile). (Reference No. 1018.)

**In the Army there are 290 promotions to the grade of major (list begins with William E. Ackerman). (Reference No. 1020.)

**In the Marine Corps there are 522 appointments to the grade of lieutenant colonel and below (list begins with Joel H. Berry III). (Reference No. 1021.)

**In the Navy there are 754 appointments to the grade of ensign (list begins with David L. Aamodt). (Reference No. 1022.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 16 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORDS of February 1, March 20, 25, 26, and April 15, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 1, March 20,

25, 26, and April 15, 1996, at the end of the Senate proceedings.)

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. GRASSLEY (for himself, Mr. HEFLIN, and Mr. GREGG):

S. 1721. A bill to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1997, 1998, 1999, and 2000, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 1722. A bill to amend the Fair Labor Standards Act of 1938 and the National Labor Relations Act, to strengthen minimum wage and striker replacement, and to ensure quality job training, education, health care, and pension security for workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. PELL, and Mr. CAMPBELL):

S. 1723. A bill to require accountability in campaign advertising, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS:

S. 1724. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BROWN (for himself, Mr. SIMON, Mr. ROTH, Mr. GRASSLEY, Mr. KERREY, Mr. LUGAR, Mr. SARBANES, Mrs. FEINSTEIN, Mr. EXON, Mr. HARKIN, Ms. MIKULSKI, Mr. BRYAN, and Mr. JEFFORDS):

S. 1725. A bill to amend the National Trails System Act to create a third category of long-distance trails to be known as national discovery trails and to authorize the American Discovery Trail as the first national discovery trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. PRESSLER, Mr. LEAHY, Mr. DOLE, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. MCCAIN, Mr. WYDEN, and Mr. ASHCROFT):

S. 1726. A bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMM (for himself, Mr. SMITH, and Mrs. HUTCHISON):

S. 1727. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 tax rate increase on gasoline, diesel fuel, and special motor fuels, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. REID, Mr. FORD, and Mr. HOLLINGS):

S.J. Res. 54. A joint resolution proposing a balanced budget constitutional amendment; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. HEFLIN, and Mr. GREGG):

S. 1721. A bill to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1997, 1998, 1999, and 2000, and for other purposes; to the Committee on the Judiciary.

THE STATE JUSTICE INSTITUTE REAUTHORIZATION ACT OF 1996

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation not only for myself, but for Senator HEFLIN, the ranking minority member of the Court Subcommittee of Judiciary, and for Senator GREGG.

This legislation would reauthorize the State Justice Institute [SJI] for 4 more years through fiscal year 2000. Congress originally authorized the State Justice Institute for 4 years in the State Justice Institute Act of 1984, then reauthorized it for 4 more years in 1988, and another 4 years in 1992. The bill I introduce today will authorize annual appropriations for this program of $20 million each of those 4 years.

The requested authorization levels will enable the State Justice Institute to fully carry out its statutory mission to award grants, to improve the quality of justice in State courts throughout the 50 States of our Nation.

The State Justice Institute serves critically important Federal purposes. Just as Federal financial assistance to State and local police, prosecutors, and corrections is critically needed to help them control crime, it is equally imperative that Federal funds assist the State courts that decide 98 percent of the criminal cases brought in this country.

SJI plays an important role in the Nation's response to crime by providing the critically needed funding to support projects that evaluate the effectiveness of new trial and sentencing approaches, and improve judges, performance in cases involving violent crimes and drug abuse.

The Institute also has been a leader in fostering improvements in the civil justice system by supporting efforts to evaluate innovative procedures to reduce litigation delay, demonstrate innovative alternative dispute resolution programs, and increase the public's access to the legal system. In addition, the Institute has devoted considerable resources to improving the public's confidence in both the criminal and civil justice system.

The list of the Institute's current grant priorities reveals just how important it is to our overwhelmed State court system. The Institute's 1996 grants will focus on: children and families in court; improving public confidence in the courts; application of technology; education and training for judges and key court personnel; the relationship between State and Federal courts; and projects following up on recent Institute-supported conferences on court-community collaboration, drug courts, funding the courts, and eliminating race and ethnic bias in the courts.

Mr. President, the Institute has performed the mission Congress assigned it exceedingly well. The judges and court staff who toil in our Nation's underfunded and outmoded State courthouses commend the Institute as the only national source of support for innovation, education, and information about how other States are coping with similar problems in their struggle to better serve the public.

The Institute is the only vehicle the Federal Government has to assure that State courts deliver a high quality of justice to every citizen in every type of case. By doing so, the Institute fulfills the highest standards of federalism. Its seed money bears fruit across the country, carrying out SJI's important national purposes in a cost-efficient manner that maximizes the impact of every dollar that Congress provides.

Reduced to its core, that is State Justice Institute's special role: Supporting promising innovations and spreading the word about them to every key State—and Federal—judge and court official. That saves State and Federal governments significant money, time, and effort on a national scale.

The bill also specifies that funds appropriated to the Institute are available until expended, without regard to the expiration of the year in which they were appropriated, and proposes three technical amendments to the State Justice Institute Act.

Mr. President, as chair of the Judiciary Committee Subcommittee on Administrative Oversight and the Courts, which has oversight authority over SJI, I am pleased to note that the cosponsor of this bill is the ranking member of that subcommittee, senator HEFLIN. We urge the Senate to continue its support of the Institute in order to enhance the State courts' ability to deliver effective justice in areas that are critically important to the Federal Government and the American public.

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

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Justice Institute Reauthorization Act of 1996''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713) is amended to read as follows:

''AUTHORIZATIONS

''SEC. 215. There are authorized to be appropriated to carry out the purposes of this title, $20,000,000 for each of fiscal years 1997, 1998, 1999, and 2000, to remain available until expended.''.

SEC. 3. TECHNICAL AMENDMENTS.

(a) OPEN MEETINGS.—Section 204(j) of the State Justice Institute Act of 1984 (42 U.S.C. 10703(j)) is amended by inserting ''(on any occasion on which that committee has been delegated the authority to act on behalf of the Board)'' after ''executive committee of the Board''.

(b) REPORT BY ATTORNEY GENERAL.—Section 213 of the State Justice Institute Act of 1984 (42 U.S.C. 10712) is repealed.

Mr. HEFLIN. Mr. President, I am proud to cosponsor the legislation Senator GRASSLEY is introducing today to reauthorize the State Justice Institute for another 4 years.

I was the original sponsor of the State Justice Institute Act when Congress first passed the act in 1984, and when it reauthorized SJI in 1988 and 1992.

The State Justice Institute has proven to be a uniquely valuable component of the Nation's justice system. Among all the agencies in the Federal Government, SJI is the only organization dedicated to helping the State courts of our Nation. Mr. President, those counts handle well over 95 percent of all the criminal prosecutions and civil litigation brought in this country.

No one State can provide the funds for innovation that SJI can, and no State has the ability, the money, or, in fact, the reason to share its good ideas with every other State. That's the role SJI plays, and it has worked very well with the very modest appropriations Congress has provided over the years.

Congress has entrusted the decision about what innovations merit SJI support to a board of directors composed—by statute—of State supreme court justices, appellate and trial judges, court administrators, and members of the public, all of whom who are keenly aware of the real problems in our courts and dedicated to assuring that SJI target its funds at the courts' most serious problems nationwide.

In this era of Federal fiscal responsibility and restored political balance between Federal and State governments, this small, economical institute that is governed largely by State officials may be an excellent working model for any Federal grant program that serves important national purposes.

At a time when every segment of American society is demanding a more effective justice system, Congress must keep alive the only Federal entity that is dedicated to helping the State courts of this country manage an overwhelming torrent of cases with greater effectiveness, efficiency, and justice.

I am pleased to join Senator GRASSLEY in sponsoring this important legislation.

By Mr. WELLSTONE:

S. 1722. A bill to amend the Fair Labor Standards Act of 1938 and the National Labor Relations Act, to strengthen minimum wage and striker replacement, and to ensure quality job training, education, health care, and pension security for workers, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKING FAMILIES ECONOMIC SECURITY ACT OF 1996

Mr. WELLSTONE. Mr. President, I rise today to introduce the Working Families Economic Security Act of 1996. This legislation is an effort to bring together in one comprehensive bill a number of items that have been on my legislative agenda for working families over the years, along with a number of new ideas, and to move forward on them in this Congress. It does not address every issue vital to the economic prosperity of American families; it does not pretend to. It is simply one more way of ensuring that bread-and-butter economic issues, which are so important to people in my State and throughout the country, are brought back front-and-center to the attention of this Congress, which has so far all but ignored them. Passing this omnibus legislation would be a good step toward protecting the working people who are the backbone of our economic, political and social system. This bill contributes significantly to efforts within the Democratic caucus in the Senate on improving the paycheck security, health security, and retirement security of all Americans.

The very real and historic changes that have rocked the American economy have helped some Americans, but have done great harm to many others. While some of the statistics that we use to measure the performance of the economy and to gauge the standard of living seem to show that the U.S. economy is doing well, the reality for many is that good-paying jobs are being lost in the face of unprecedented downsizing by many firms. Many of the new jobs that are being created pay lower wages; corporate executives' salaries are rising, while workers' salaries are declining; the health insurance system is inadequate to the tasks of the modern workplace. There is deep apprehension and concern about the future.

Let me give just one recent example from Minnesota. I visited during the recess with members of the Cusick family in Duluth about their economic worries. A life-long resident of Duluth, Ken Cusick will graduate this Spring from the University of Minnesota-Duluth. He has three kids and a wife who works, and yet they struggle every day. They worry about having money to pay for groceries, day care costs for their kids, and rising education costs.

Their lives reflect a broader reality in our country. Underneath the numbers which reflect record highs in the stock market, low unemployment, and slow growth in the economy, a time bomb is ticking for American families. Many workers are in fact being left behind, with only dim hope for a brighter future. They are working more and earning less. And even though some Clinton administration economic advisers have begun to highlight certain positive economic news, including in a report last week that challenges certain assumptions about lay-offs and jobs in the economy, I agree with Labor Secretary Reich: it is still true that for many, especially low and moderate income working people, the economic recovery is spotty, partial, and has failed to increase their real take-home pay.

Many working families today are afraid. Workers fear losing their jobs, having no money for retraining, losing their pensions and health care, not being able to take care of aging parents, and paying for their kids' college. And they are angry that their wages are stagnant while corporate executives—even those who may be failing in their jobs—reap windfall salaries for downsizing their firms, and putting good people out of work.

Twenty years ago the typical CEO of a large company earned 30 or 40 times the salary of an average worker. Today that CEO earns almost 200 times more. A recent survey of American CEOs reported in the New York Times indicates that CEO compensation last year rose at the fastest rate since the mid-1980's, skyrocketing by 31 percent in 1995 alone. This increase was double the rise in 1994, and triple the one in 1993. This illustrates a larger societal trend that is spinning out of control: the vast majority of the economic gains in today's economy are going to the very wealthy few, while working men and women are being short-changed.

For example, from WWII until the 1970's, American workers were responsible for an almost 90 percent increase in productivity. In return, their real wages increased by over 95 percent. But from 1973 to 1982, workers got only half as much of an increase in real wages as they gave in new productivity. And from 1982 through 1994, they got only a third as much.

This legislation addresses a number of basic economic concerns of the average American. It includes an increase in the minimum wage; a means to directly address government subsidization of growing wage disparities, protections for striking workers, a streamlining and expansion of job retraining, and modest health care portability reforms. It embodies a number of initiatives that I've worked on over the years, as well as some new ideas that I think must be part of an economic program to provide real economic security for America's families. I know this Congress won't act on all these initiatives, but I hope we will act on some this year. Those which remain may have to wait for a new Congress to be elected, controlled by a Democratic Party which considers the interests of working Americans priority one.

MINIMUM WAGE

This provision would raise the Federal minimum wage from the current $4.25 to $5.15 by 1997. But unlike some other approaches, it proposes to index the minimum wage to prevent its erosion by inflation or by long periods of Congressional inaction to the point where it is no longer possible for minimum wage workers to lift themselves or their families out of poverty. This measure provides for modest but overdue increases and, most important, begins to narrow the gap between the minimum wage and a living wage. I am

pleased that we are now moving forward on the minimum wage, and I intend to push it forward with Senator KENNEDY and others until it's enacted. So far, we've been blocked from even getting a clean, up-or-down vote on raising the minimum wage, but that can't be blocked forever. Sooner or later, democracy must rule, and we will get a vote.

It is unacceptable that today an American who works full-time, year round at the minimum wage—even with the expanded earned income tax credit—does not earn enough to bring a family of three above the poverty line. At $4.25 an hour, a person working 40 hours a week at the minimum wage earns just $170 a week—before taxes and Social Security are deducted.

The current Federal poverty line for a family of four is about $15,500. Even with the tax credits available to them under current law, and food stamps, a family with one worker at the minimum wage would end up about $900 below the poverty line. But at $5.15 an hour, this same family would—when you factor in the earned income tax credit and a food stamp benefit—be lifted above officially defined poverty levels. This 90-cent increase would literally lift them above the line. For people like 26-year-old Mike Kochevar, a single dad living in Hibbing while he attends the Hibbing Community College, raising the minimum wage even modestly would be a big help. He works two jobs, and is struggling to make it.

What would such an increase mean for these workers, in practical terms, in their daily lives? It would mean an extra $1,800 or so in their pocket, for one thing. And that means more than 7 months of groceries, or rent and mortgage payments for a few months, or a full year of health care costs, or a season of heating bills in my State.

I know that minimum wage opponents will make the same dire predictions of job loss and damage to the economy that have been made every time the minimum wage has been increased since 1938. But the textbook economic theory that increases in the minimum wage result in large job losses has never had solid empirical support. Recent studies by leading economists who examined the results of the most recent increases in both State and Federal minimum wages have concluded otherwise. I was sent to Washington to be on the side of hard-working Minnesotans who are struggling to make ends meet. That's why I am pushing this so hard, and why I intend to push it until it's enacted into law.

INCOME EQUITY

As I have already noted, in recent years there has been a growing wage gap between senior corporate executives and their employees. What is more remarkable is that the Federal Government helps to subsidize this disparity by allowing corporations to deduct these fantastic salaries. Current law prevents employer deductions for employee salaries over a million dollars, with an exception for performance-based pay. I believe it is unfair for employers to deduct the first million dollars of the huge and growing salaries of corporate executives, while the real wages of workers are declining. This provision is a modest proposal; it is meant to ensure that the United States is not subsidizing gross wage disparities through the Tax Code, by barring employers from writing off that portion of salaries above the ratio set in the bill. Specifically, it would prohibit employers from deducting employee compensation—salaries, wages and bonuses—that are more than 25 times higher than the salary of their lowest paid worker.

PROTECTIONS FOR STRIKING WORKERS

This legislation is needed to protect American workers who go out on strike. There are two central principles of American labor law: workers have a right to organize without being retaliated against for exercising that right. And they have a right to negotiate wages, benefits and other items through collective bargaining. Since the 1980's, these rights have been seriously jeopardized, with the use of permanent replacements for striking workers increasing dramatically. Employers often use the permanent replacement of striking workers—or threat of their use—to undermine collective bargaining agreements, and bring in new employees. Mergers and acquisitions, leveraged buyouts, and the rise of a new breed of employers focused solely on short-term profits has created a new climate for labor-management relations, in which workers are considered by some to be expendable, and negotiated agreements subject to arbitrary and one-sided suspension.

Under current law, while employers may not fire employees for engaging in a legal economic strike, they may permanently replace striking workers; a distinction only a lawyer could love. This provision would bar the hiring of permanent replacements for striking workers. Recent strikes where employers have hired permanent replacements for striking workers, or have threatened to, underscore the urgent need for this change. Without it, the right to strike is nothing more than a right to be fired. A related provision would require the timely mediation or arbitration of initial contract negotiation disputes, to prevent employers from refusing to negotiate first contracts with a duly-elected bargaining unit.

Under my legislation, employers would be compelled to negotiate in good faith with a new bargaining unit. This measure would provide that, if within 60 days of bargaining unit certification a first contract is not agreed to, the parties would enter into negotiations with the help of a mediator. If within 30 days the mediator could not bring the two sides to agreement, the contract would go to binding arbitration.

Those provisions of this bill that I've outlined go a long way toward protecting people in their current jobs, and bolstering their wages. But we must also address the concerns American workers have about their futures.

LIFELONG LEARNING

We in Congress have a responsibility to help American workers plan and improve their futures. To prepare our work force for future jobs. And to provide some security while people are in transition between jobs. One of the most important forms of help that we can provide American working people is relevant, effective job training delivered in the most efficient way possible for jobs that really exist, and that pay a decent wage.

Lifelong learning has never been more critical, and we must do all we can to give people access to the resources they need to retool their skills. For too long, the Federal job training system has been too cumbersome, with duplicative programs that have not always been effective. And so this legislation includes provisions to streamline and consolidate these programs, and expand job training opportunities for workers. Carol Turner, director of older worker retraining for the Duluth Workforce Center, confirmed for me the other day that in her city, this kind of coordination, coupled with expanded local control, is critical to getting people off welfare and increasing their standard of living.

It would streamline the job training process for all Americans, including welfare recipients, by consolidating existing programs, and establishing state and local work force development boards to coordinate programs within each State. It would encourage States to develop one-stop delivery systems for employment services; my State has been one of the leaders in this field. It provides continued funding for summer jobs and other special training programs that have been so successful. And it imposes a cap on the amount of job training funds that can be used by States for economic development activities, to make sure that Federal funds are in fact being used for retraining. The bill retains Job Corps as a national program, with strict national oversight standards, a zero-tolerance drug policy, and other key reforms.

HEALTH INSURANCE REFORM

One of the most alarming developments for workers has been the growing fear of losing their health insurance. In order to help workers plan for their futures, this legislation will make it easier for individuals and employers to buy and keep health insurance—even when a family member or employee becomes ill. And it will allow people to change jobs without fear of losing their health coverage. For folks like the Edgett family of Duluth, who lost their coverage when they decided to start their own small business, these kinds of efforts to make health care more affordable and more portable would be a big help. And the same goes for millions of other Americans.

Despite past State and Federal reform efforts, the lack of portability of health insurance remains a serious concern for many Americans, particularly those with preexisting health conditions. The General Accounting Office estimates that as many as 25 million Americans could benefit from this legislation.

This legislation builds upon and strengthens the current private insurance market by guaranteeing that private health insurance coverage will be available, renewable, and portable; by limiting preexisting condition exclusions; and by increasing the purchasing clout of individuals and small employers through incentives to form private, voluntary coalitions to negotiate with providers and health plans. It also provides for parity between mental health and other health care benefits; its adoption would be an historic step forward in our treatment of those with mental health problems in this country.

Enactment of the bill would help millions of workers who lose their employer-based coverage and are then turned away by other insurers. It also would make it easier for workers to change jobs or start their own businesses without fear of losing their health insurance. It would accomplish this by prohibiting employers from denying coverage of a preexisting medical condition to an applicant for more than 1 year. After that year, no preexisting condition limits could be imposed on anyone who maintains coverage, even if the person changes jobs or insurance plans. In addition, individuals switching from a group plan to an individual plan could not be denied coverage as long as they maintained continuous coverage. Finally, health plans would not be allowed to drop enrollees who pay their premiums, even if they become chronically ill.

The bill also includes provisions to protect retirees, their spouses and dependents from abrupt termination—or substantial reduction—of certain health care benefits. It would require courts to order employers to provide benefits while benefit disputes are litigated, impose upon employers the burden of proof when health care contracts are silent or ambiguous about changes, and require advance warning by employers of their intent to modify retiree benefit packages.

While this is by no means comprehensive reform, it is a good first step. Even people with good health insurance coverage cannot count on protection if they lose or change jobs, especially if someone in their family has a preexisting condition. Our current health care system allows insurers to collect premiums for years and then suddenly refuse to renew coverage if individuals or employees get sick. It also allows insurers to routinely deny coverage to different types of businesses from auto dealers to restaurants.

Many States, including Minnesota, have already enacted standards for insurance carriers, but because ERISA preemption prevents States from regulating self-funded health plans, only Federal standards can apply to all health plans. More and more employers in Minnesota have been choosing to offer self-funded plans to employees. Such plans now enroll about 1.5 million people, up from 890,000 in 1992, and about 50 percent of all privately insured residents. Current estimates also show that more than 400,000 Minnesotans—including 91,000 children—are uninsured.

While I am committed to fighting for comprehensive reforms that would include everyone and enable working families to afford health care coverage as good as Members of Congress have, I recognize that this may not happen this year. At the very least, we should act on reforms that would address some of the most egregious inequities in our current system, as well as those that would allow States to expand access and contain costs.

PENSION REFORM

It is clear that this country needs strong, enforceable pension protections. The President has made some recent proposals to strengthen pension security, which we should consider seriously in the coming months. But the new Republican majority is moving in the other direction. They have passed so-called reforms, vetoed once, that would again make it easy for companies to raid ''over-funded'' pension plans. At a minimum we must preserve protections in current law that prohibit companies from raiding the pension plans of their employees. As we have all seen, overfunded plans can quickly become underfunded with a change in interest rates, or changes in the stock markets. For example, if interest rates decline by 2 percent—as they did between November 1994 and December 1995—a plan's funding level can drop from 125 percent to around 90 percent within a matter of weeks.

During the 1980's, when pension assets grew with a rising stock market, companies took over $20 billion from over 2,000 pension plans covering 2.5 million workers and retirees. In many cases, these companies took the funds from overfunded plans while allowing significant underfunding in other plans. In 1990, this practice was stopped virtually dead in its tracks by changes in law which made such raids prohibitively expensive by imposing a 50-percent excise tax on companies that did it. Republican proposals to weaken these and related pension rules could allow companies to draw another $15 billion or more out of these plans, potentially effecting another 4 million workers and retirees in 6,000 plans over the next 5 years. Similar efforts to dip into workers' pension plans have been a major problem for workers in my State, including those who worked for many years at Reserve Mining Co.

There is a real problem with the low rate of private savings in this country, including for retirement. Comprehensive pension, Social Security, and other retirement security reforms are difficult issues to address adequately. Even so, it is critical that we do so, especially since there are many proposals, some quite radical in their scope, now floating around to do things like privatize the Social Security System and create so-called super-IRA's, allowing people to invest all or part of their Social Security funds in the stock markets, instead of in Government securities—where they would be more secure but perhaps offer slightly lower overall returns.

As the baby boomer generation moves toward retirement, these retirement security issues, along with questions about savings rates, portability of pensions, 401(k) plan use, and related matters could become more urgent. To look at the long-term implications of these and other proposed changes to our retirement security policies, I am today calling for the establishment of a bipartisan commission to make recommendations to Congress on how best to reform our retirement security programs in a way that would have the most beneficial impact on the largest number of people, similar to a bill that was introduced recently on the House side.

CORPORATE ACCOUNTABILITY

The rash of lay-offs, corporate restructurings, and other economic dislocations that have rocked the American economy pose serious problems for American workers, their families, and communities, and have contributed to the widening income gaps in our society. For years, we have seen a growing trend toward an almost exclusive focus on the bottom line in many corporations, with firms caught in a web of leveraged buy-outs, mega-mergers, swiftly changing markets, and other forces. While we are all committed to a free economy, we cannot sustain a prosperity that permits us to be divided between the wealthy few and the worried many.

Corporations must keep in mind the interests of all of their stakeholders in making economic decisions, and not just stockholders. Workers, communities, State governments which provide economic incentives, suppliers and contractors, and a host of other stakeholders should all be considered as firms make economic decisions.

This bill attempts to create incentives for firms to engage in more responsible, forward-looking, stakeholder-driven decisionmaking. It outlines a proposed set of corporate responsibility principles that businesses would have to observe as a condition to qualify for certain preferential treatment in Federal contracting. These principles include, among others, providing a safe and healthy workplace; ensuring fair employment, including avoiding discrimination in hiring; observing environmental protections; promoting good business practices; maintaining a corporate culture that

respects free expression; and encouraging similar behavior by partners, suppliers and subcontractors. This proposal would require that, in its procurement process, the Federal Government give a preference to contractors that adopt and enforce this corporate code of conduct; it would also provide for periodic reviews to ensure compliance with the code.

I believe we must encourage responsible citizenship by firms doing business with the Government, and this provision moves us in that direction. I am skeptical of providing additional tax subsidies as some have proposed, and I think this alternative approach deserves consideration. I know that there are a host of other approaches, such as those that have caught fire in my State and elsewhere, which require that a living wage—not just a minimum wage—be paid by companies that receive government benefits. I want to pursue this and other similar ideas which are bubbling up from the grassroots, because I think they too are interesting ways to prompt firms to act more responsibly, and to combat the growing layoffs that have so shaken our economy.

FAIR TRADE UNDER NAFTA

Many Americans today are concerned about losing good jobs in this country when U.S. employers seek cheaper labor abroad. I did not support the North American Free-Trade Agreement. I believed then, and do now, that this particular agreement is not in the best interests of the workers of Mexico, Canada, or the United States. I believe we have an obligation to guarantee that workers and environmental interests are not compromised. And so I have included a title in my omnibus legislation that is an effort to strengthen NAFTA and at the same time protect the interests of all workers.

The legislation I am proposing would direct the President to renegotiate portions of the North American Free-Trade Agreement to address the negative effects of the agreement's implementation since January 1994. The renegotiation would seek to achieve the original promises of NAFTA: to improve the standard of living and quality of life for United States citizens, as well as those of Mexico and Canada. A positive, fair NAFTA would open markets in a way that promotes a high-wage, high-skill strategy of growth for the whole continent, promotes environmental and consumer protection, and contributes to real development and democracy.

Instead, available evidence indicates NAFTA has failed and has contributed to a substantial U.S. trade deficit, loss of jobs, suppression of wages, and to downward pressure on environmental and health standards and conditions.

I am not opposed to free trade. I am in favor of fair trade and fair trade agreements. I believe these changes would take us along the road of building a solid foundation for the future of our workers, our health, and the future of the entire region.

Mr. President, I hope this bill, and other measures to bring the issues of economic security for working families back to center stage, will be acted on soon. I intend to continue to press legislation to address these issues here in the Senate—it was what I was elected to do. I urge my colleagues to cosponsor this important legislation, and to support its key elements as I bring some of them to the Senate floor in the coming months.

Mr. President, the Working Families Economic Security Act of 1996 is really an effort on my part as the Senator from Minnesota pulling together a lot of different legislation and a lot of work that I have been doing in the Senate over the years and putting it into one bill. The reason I do so is that I really feel as if Minnesota and the country are kind of leading the way in telling us what we must do, the work that they think is important that connects to their lives.

I am a cafe politician, and I try to spend as much time as possible with coffee and pie—probably too much pie—in cafes in Minnesota, just sitting down with people and talk and listen—and listen. What I hear, Mr. President, is, ''Senator, I am retired. I don't want anybody to take my pension away.''

One provision in this legislation makes it crystal clear there can be no skimming of hard-earned pension money. That belongs to the employees. It belongs to nobody else. No large multinational corporation will be allowed to skim pension money from any man or woman retired in Minnesota or anywhere in the country. People say to me in cafes in Minnesota, ''Senator, it is just outrageous to me that if I have a bout with cancer in my 50's, I might see my insurance policy canceled.''

This bill includes the insurance reform provisions that we should pass anyway that make sure that the insurance companies no longer are able to continue with this discrimination. It is just outrageous that an insurance company would not provide coverage to someone because of a bout with an illness, or that somebody cannot transfer from one job to another or start a small business in Minnesota or in Colorado or in New Mexico with this kind of discrimination against them because they have had a bout with cancer or because they are a diabetic.

Mr. President, Minnesotans say to me in cafes, ''Senator, I don't know what your colleagues are thinking, but let me tell you, $4.25 an hour to $5.15 an hour, increasing the minimum wage nationwide is an additional $1,800. For that, I can pay my energy bill; for that, I can purchase health insurance for myself and my children; for that, I can go to a community college; for that, I can put food on the table.'' This includes raising the minimum wage to $5.15 an hour.

Mr. President, Minnesotans say to me in cafes, ''Senator, I am really worried because I am 50 years old and I read the papers and I know that people are being downsized, restructured out of work. What will happen to me?'' So there is a strong emphasis here on education and job training in this legislation. I think we have to redefine education as a teacher. It is no longer K through 12. It is for longer—K through higher education. It is K through 65. People should not just be spit out of the economy with nowhere to go, people who have worked hard and are skilled. We should give skilled men and women an opportunity, if they lose their job in one company through no fault of their own, to be able to go back to school to have the skills development to find a job, a good job, somewhere else in the economy. There is a strong emphasis on education and job training.

Mr. President, this legislation also focuses on, in general, the issue of economic opportunities. People say to me in cafes, ''Senator, our children are in their 20's. They cannot find a job paying a decent wage with decent fringe benefits.''

So, Mr. President, let me just say, I think from pension funds to health care to decent jobs at decent wages, to educational opportunities, to putting an end to this obscene disparity tax, funded disparity between CEO's salaries and wage earners, to some sort of accountability, that we call on large multinational corporations to be accountable. I think this is the direction people want us to go in. These are the bread-and-butter economic issues.

I say, by way of conclusion, that I think one of the mistakes—I do not believe in hate; I believe in honest debate. I think much of the mistake that the Gingrich Congress has made in 1994, there was a lot of campaigning on the bread-and-butter economic issues, and now Speaker Gingrich is taking the bread and butter, and working families do not like that. People want to see their kids have economic opportunities. These are the issues that matter: a good job, good education, opportunities to start a small business, having decent health care coverage, making sure that we focus on investing in our kids, making sure we invest in an economy that produces jobs that people can count on. That is what people are talking about in the cafes in Minnesota.

That is what people are talking about under the roofs in their homes. That is what people are talking about on their farms. This Working Family's Economic Security Act of 1996 brings that together. I will take pieces of this legislation and bring amendments to the floor and make sure we have votes on this.

By Mr. BINGAMAN (for himself, Mr. PELL, and Mr. CAMPBELL):

S. 1723. A bill to require accountability in campaign advertising, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CAMPAIGN ADVERTISING ACCOUNTABILITY ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise today to offer legislation on behalf of myself and Senator PELL that I believe is a small, yet a very important step in reforming the campaign system that has led to widespread mistrust of the political process and mistrust of those who seek public office.

Mr. President, the legislation that I am offering today is simple and straightforward. First of all, it would amend the new Telecommunications Act to provide that all legally qualified candidates for Federal elective office who refer directly or indirectly to another candidate for that office in a campaign advertisement must make the reference in person.

If the candidate voluntarily chooses not to make the reference himself or herself, he or she would not be eligible for the lowest unit rate provided to candidates under section 315(b) of the Communications Act for the remainder of the 45-day period preceding the primary or the primary runoff election, or the 60-day period presiding the date of the general or special election. The candidate would, however, of course, continue to have access to the broadcast station at the same charge made for comparable use of the station by commercial users.

Second, the bill requires that broadcasters who allow an individual or group to air advertisements in support of, or in opposition to, a particular candidate for Federal office, allow the candidate's opponent the same amount of time without charge on the broadcast station during the same period of the day.

Mr. President, these are not new concepts. In the 99th Congress, Senator Danforth offered S. 1310, which would have required a broadcast station that allowed a candidate to present an ad that referred to her opponent without presenting the ad herself, to provide free rebuttal time to the other candidate. Since then, other variations of what have become known as talking heads legislation have been incorporated in overall campaign finance reform bills and introduced as free standing bills.

Mr. President, I became interested in this issue last year when I read an editorial in the Washington Post by David Broder entitled, ''Dirty Work for Dirty Campaigns.'' Mr. Broder referred to an issue of Campaigns and Elections which is a magazine for campaign consultants. The July 1995 issue contained an article about negative attack ads and quoted several campaign consultants. What the consultants admitted about campaigning today should shock the conscience of everyone in the Senate.

Consultants are quoted as saying in reference to developing negative, attack ad, ''Welcome to the world of attack mail * * * It's a world of taunts, jeers, jabs, pointed fingers, and mudslinging.'' The consultants go on to write, ''Excite the emotions. It's much easier and more effective to persuade with the heart than with the head alone. Fear, anger, envy, indignation and shame are powerful emotions in the political arena.'' And, Mr. President, in what is perhaps the most revealing revelation about these consultants' campaign strategy, they write that the candidate should never take personal responsibility for attacking the opponent but, and I quote, ''It's always best to have someone else deliver the negative message, even if it's a third-person, unsigned piece. Keep your candidate at a dignified distance.'' Mr. President, I see nothing dignified about such a strategy. While the consultants were commenting on attack mail, I don't think it requires too much of a stretch to realize that the same rules apply to many of today 's television advertisements.

Mr. President, a little over a year ago, I went through a costly, and negative campaign. right now, many of our colleagues are preparing to go through the same process and I say with all sincerity, that I do not envy my colleagues whether they are Republican or Democrat because I know that they will soon be subjected to many of the same negative, attack ads that I had to face in my race. Many of those ads will contain misrepresentations, distortions, and outright untruths. Perhaps an image will appear but it won't be the candidate's either. Instead, it will be the candidate hiding behind the message. And if it is not the candidate himself or herself who is orchestrating the attack ad, it will be some special interest group that is not subject to even the minimal restraints on spending and other restrictions that candidates are subject to.

Mr. President, we hear that politicians are held in only slightly higher esteem by the public than lawyers and journalists. While that may be true, I know that my colleagues, regardless of their political affiliation, are honorable men and women who care about their respective States and our Nation. Unfortunately, the negative perception persists.

I believe that one of the reasons for that is the trend in today's campaigns to attack, attack and attack—to go negative early and stay negative until the votes are counted. As Senator Danforth noted, legislation requiring the candidate herself to present ads that reference her opponent would serve the purpose, ''* * * to open up speech, open up the ability to respond, the ability to defend oneself. In the case of a candidate making a negative attack, we try to improve the sense of responsibility and accountability by making it clear that the candidate who makes the attack should appear with his own face, with his own voice.''

I believe that the legislation I am introducing today will begin the process of restoring the confidence of the American people in public service as an honorable endeavor. I also believe that it passes first amendment scrutiny because it sets up a system of voluntary participation in receiving the benefits of section 315 of the Communications Act. A candidate's access rights to the airwaves in this instance are statutory, rather than constitutional. Congress established the requirements for candidates to be eligible for the lowest unit rate and Congress has the right to modify those requirements so long as the modifications reasonably balance the interest of candidates, broadcast licensees, and the public. Participation in this context is voluntary.

Nothing in this legislation would prohibit a candidate from offering an ad that references her opponent without making the reference in person. A candidate could offer her ad in any format and no penalty, either civil or criminal, would attach for deciding not to following the strictures of this legislation. Broadcasters would not be burdened by this bill because it does not require them to provide any additional benefits to particular candidates. Instead, it leaves the choice of whether or not to participate in the system whereby the candidate receives a lowest unit rate charge to the candidate herself. And, finally, the public is not harmed by this bill. In fact, I find it difficult to believe that anyone would argue that the public would be harmed by requiring candidates to take responsibility for their statements. More openness, more honesty and more responsibility in campaign advertising would benefit all.

Mr. President, last year the majority leader included campaign finance reform in the list of legislation that should be considered by the 104th Congress, and I commend him for that. In addition, our colleagues from Arizona and Wisconsin, Senators MCCAIN and FEINGOLD introduced a comprehensive campaign finance reform bill that has received a positive response in many corners. Unfortunately, I fear that, as the majority leader has noted, the differences between the two parties on comprehensive campaign finance reform could all to easily prevent the Congress from enacting comprehensive campaign finance reform. My legislation, on the other hand, is not a Republican or Democratic issue. If the elections of 1992 and 1994 demonstrated anything, it was that neither Republicans nor Democrats have a patent on the art of negative campaigning. Both sides have resorted to these types of ads and both sides have been the victims of them. My legislation, unlike the larger issues of campaign finance reform, should attract bipartisan support.

Mr. President, we are about to enter the height of the American political season. It is no doubt just a matter of time before the negative advertisements begin to air across the country. By enacting the legislation we are introducing today, I believe that the Senate will take a major first step in bringing fresh air into the area of campaign reform and a major step toward

restoring dignity and confidence in our political process. I urge my colleagues to act on this matter at the earliest possible time.

By Mr. THOMAS:

S. 1724. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

THE FREEDOM FROM GOVERNMENT COMPETITION ACT

Mr. THOMAS. Mr. President, I rise today to introduce a bill called the Freedom From Government Competition Act, a bill that will create jobs and commercial opportunities for small businesses. I am joined in this effort by my friend and associate from Wyoming, Senator SIMPSON, as well as Senator KYL and Senator CRAIG. I urge, of course, other Senators to join this effort.

It has been the Federal Government's policy for a good long time to contract out services. We have not always enforced it, however. The purpose of this bill is to put some teeth in the policy; we ought to put into the private sector all those things that could be better done there, as opposed to having them done within the Federal Government.

This bill establishes a process in which the Office of Management and Budget will identify Government functions that are commercial in nature and recommend a plan to contract out those activities to the private sector over a 5-year period. It is similar to H.R. 28 in the House, introduced by Congressman DUNCAN from Tennessee. It has bipartisan support of over 40 Members in the House and it is similar, interestingly enough, to a bill that was introduced by Senator RUDMAN in the 1980's here in the Senate.

Significant portions of this idea were a part of the 1996 defense authorization bill, which had to do with procurement and moving some of these kinds of things into the private sector. This bill simply takes that concept and expands it further to other Federal Government operations.

Government competition with the private sector, as we all know, is a big problem. Often bureaucracy wastes too much time and money on goods and services that could better be delivered by the private sector. Most of us, I think, agree with the notion we ought to limit those functions of the Government to things that can only be performed by the Government and put into the private sector the other functions. That, basically, is the purpose of my bill.

It is also wrong, it seems to me, that the Government competes with the private sector. There ought to be competition, but the competition ought to exist within the private sector. For example, surveying and mapmaking can be done in the private sector. Indeed it should be. Training, education, janitorial services, laboratory services are all functions that can be performed by private industry. I proposed a similar bill when I served in our legislature in the State of Wyoming, urging and in fact setting up a process to contract out many services.

This idea has been a major concern for some time. It was one of the top issues of the most recent White House Conference on Small Business, as you can imagine. State and local governments have had success, in some areas, privatizing. Massachusetts Governor Weld said, ''It's not an issue of public versus private. It's an issue of monopoly versus competition.'' I agree.

The Department of Defense has had considerable success in contracting out some functions. The armed services are saving $1.5 billion a year, a 31 percent reduction, from outsourcing. So it is time for us to not only talk about it but to do it. This bill basically says to the Office of Management and Budget, come back to the Congress with a plan that makes this happen. It will create jobs, help small businesses and save billions of dollars.

Mr. President, I urge my colleagues to take a look at this bill and join me in this idea of moving those nongovernmental functions that are performed by the Government into the private sector.

Mr. President, I send the bill to the desk and ask it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

By Mr. BURNS (for himself, Mr. PRESSLER, Mr. LEAHY, Mr. DOLE, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. MCCAIN, Mr. WYDEN, and Mr. ASHCROFT):

S. 1726. A bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PROMOTION OF COMMERCE ON-LINE IN THE DIGITAL ERA ACT OF 1996

Mr. BURNS. Mr. President, I rise today to introduce the Pro-CODE bill, or the Promotion of Commerce Online in the Digital Era Act of 1996, with the following cosponsors: the distinguished majority leader, Senator DOLE, Senator PRESSLER, Senator LEAHY, Senator MURRAY, Senator WYDEN, Senator NICKLES, Senator MCCAIN, Senator ASHCROFT, and Senator FAIRCLOTH.

Like the title of the bill states, my primary objective with this legislation is to promote commerce both domestically and abroad. But I have two other goals that I believe will be achieved by Pro-CODE: one is to improve the competitiveness of American software companies with their foreign competitors, the other is to protect the intellectual property and privacy of both businesses and individuals.

Mr. President, Pro-CODE would have a profound impact on our economy and the way each of us lives our life from day to day. It is a relatively simple bill, but it deals with a term few of us are familiar with: encryption. Encryption is simply the use of a string of letters or numbers—or a key—to render our computer files and transmissions unreadable by people who have no business reading them. If you have the right key, you can unlock the code and have access to that information.

Unfortunately, American businesses and computer users face a threat—and it is a threat from their own Government—because the current administration will not let American companies export encryption at a level higher than 40 bits. This is a fancy word, but it means is that it is a level of security that can be cracked by your basic supercomputer in about one-thousandth of a second at a cost of a tenth of a cent. Companies can sell stronger encryption here at home, but it is too expensive to create two different standards, so they do not.

What this means is that commerce and communication on computer networks including the Internet is not reaching its full potential. How many of you would feel secure sending your credit card number over the Internet—especially when you learn that reported invasions by computer hackers increased ninefold between 1990 and 1994? Or when Internet World magazine estimates that the actual number of unwanted computer penetrations in 1992 alone was 1.2 million? If you were a business, how many of you would feel secure passing sensitive information to your branches around the world or around the Nation? If you were an ordinary citizen, would you feel secure knowing that many of your records and files are subject to the kind of security that the cyber-criminals of today just laugh at?

Yet that is the problem we face today, and my colleagues here today and I find it unacceptable. Just 3 months ago we passed a historic telecommunications law that is designed to make it easier to interact with each other. But the law—that vehicle which will take us along the information highway—is useless without the engine of information security driving it forward.

Mr. President, our bill would allow the unrestricted export of mass-market or public-domain encryption programs. It would also require the Secretary of Commerce to allow the export of encryption technologies if products of similar strength are available elsewhere in the world. Finally, it would prohibit the Government from imposing a mandatory key-escrow system in which the Government or another third party would have a back door to your computer files.

I come from a State where distances can often keep us apart. From Eureka, MT, in the northwest to Alzada, MT, in the southeast is the same distance as from Washington, DC, to Chicago. Anything to bring us closer together will

give us benefits only enjoyed now by folks in larger areas. It will also give the mom-and-pop businesses in our smallest communities a leg up on their bigger competitors as we enter the information age.

But my concern is also based on the effect the current policy is having on jobs and industry in this Nation. Because of our current ill-advised policy, American companies will lose their share of the world market—which now stands at 75 percent—to foreign companies who do not have to abide by such restrictions. For example, I have discovered a World Wide Web page from a South African company that boasts 128-bit encryption. In many cases, these encryption programs are available to download from the Internet.

Mr. President, American companies clearly are at a competitive disadvantage. A study by the Computer Systems Policy Project found that within just the next 4 years, American companies could lose $60 billion in revenues and American workers could lose 216,000 high-tech jobs. Our bill is a jobs bill that I'm sure the administration can agree with. But it is not only that. As you can see, it is also a consumers bill.

One of the questions I have heard is, ''How does this legislation differ from a bill you are also sponsoring with Senator LEAHY?'' The answer is, not a lot. However, Pro-CODE is narrower in its scope. It deals exclusively with the issue of commerce and omits the criminality provisions. In addition, it does not set up guidelines for a voluntary key-escrow arrangement. This is a streamlined measure that I hope to move quickly through the Committee on Commerce, Science, and Transportation and the Science, Technology, and Space Subcommittee, which I chair. We will have hearings on this bill, hopefully as soon as this month, and I hope to have at least one of those in the field where the people are affected most by this bill.

In addition to the diverse and bipartisan group of Senators you see before you, support for this legislation in the private sector is both broad and deep. There are two homepages on the Web that are dedicated to tracking encryption legislation and making people aware of why it is needed. As with the blue-ribbon campaign, Internet users will be encouraged to download the golden key and envelope symbol. They will then be able to link to one of the two encryption pages and show their support for this effort.

I am also sending today an open letter to the Internet community encouraging support for this bill, and I expect it to be made available to hundreds of thousands of Internet users. I will also make myself available for at least two online forums to discuss my bill with computer users. Mr. President, I urge support for this bill.

Mr. PRESSLER. Mr. President, I am proud to join with my colleagues today to introduce the Promotion of Commerce On-Line in the Digital Era Act [Pro-CODE]. This bill will eliminate outdated, useless rules, and regulations so that American companies can compete effectively throughout the world in the global information technology industry. It will strengthen our economy, create jobs, and maintain the U.S. lead in telecommunications and information technology into the 21st century.

The high-technology industry is the crown jewel of the American economy—growing exponentially each year and constantly creating new jobs. This is the future of our country's economic security.

We are the world leaders in the technology revolution. Whether in hardware, software, browsers, semiconductors, cryptography, or other segments of the industry, we have the talent and capability to retain this lead indefinitely. The private sector is doing everything possible to expand this industry. Unfortunately, they frequently are held back by unnecessary or antiquated Government rules and regulations. Government should help, or at the very least, get out of the way.

Outdated Government policy must change and it must change immediately. The future of this industry, its employees and our country's economy depends on this change.

This is why I am an original sponsor of Pro-CODE. The Senate Committee on Commerce, Science, and Transportation, which I chair, will have jurisdiction over this bill, that basically, would allow unlimited export of commercially available encrypted software. I am committed to moving this legislation forward immediately and I am joined by others on the committee who fell the same way.

The health of our national economy, and my home State of South Dakota's economy in particular, is heavily dependent upon exports. We must focus on expanding our present foreign markets and opening new ones in order to strengthen our businesses and maintain our economic hegemony. It is undisputed that American business can compete evenly with their foreign counterparts when operating on a level playing field. However, they are not always given fair treatment.

When U.S. companies are treated unfairly vis-a-vis their foreign competitors, they lose contracts and their market share suffers. This leads to lower profits and less repatriation of those profits to the United States. We must do all we can to eliminate foreign trade barriers that restrict U.S. companies operating abroad. At the same time, we also must eliminate our own Government's discrimination against our American multinationals. To this end, the bill assists U.S. multinational companies, and high-technology companies in particular, by eliminating unnecessary restrictions on their operations.

The Pro-CODE bill enjoys widespread bipartisan support. I believe this change in policy is vital if the United States is to maintain its worldwide lead in the development and sale of software technology. This is an industry key to the continued strength of our economy, however, export controls—true relics of the cold war—are hurting American companies' ability to sell their products overseas. We won the cold war. We must now disarm the weapons used to win that war before they are used against us.

It is simply logical to allow U.S. companies to sell overseas some of the technology they currently are allowed only to sell within the United States. As you know, certain software readily available around the world and on the Internet is not allowed to be exported from the United States. Rules that once made sense are obsolete and harmful—only to us—in today's rapidly changing world. Encrypted software, which serves to secure communications, is the future of the industry.

If we fail to loosen our export laws, American companies face two unpleasant choices. First, they can simply stand by and watch their products be replaced by foreign competitors. This means losing this industry the way we lost consumer electronics, steel, and the auto industry in the past. In the more likely alternative, these companies will be forced to move their production and research facilities offshore. If this happens, not only will our economy suffer, but we will lose high-paying, high-technology jobs. We cannot afford either alternative. That is why I am fighting to correct this problem. We must do so—before it is too late.

When I led the effort to enact the sweeping Telecommunications Reform Act my goal was to open up all aspects of the telecommunications industry to widespread competition. Without changes in other laws this goal cannot be fully achieved. Indeed, without such changes we risk the loss of markets such as software to foreign competitors because our own Government restricts the U.S. companies.

The issue is a simple one—with the globalization of our information systems we must have secured transmissions. Those transactions should be protected by the best encrypted software available. That means American products.

As the Federal Communications Commission proceeds with implementation of the Telecommunications Act it is important for Congress to keep a watchful eye on their deliberations. For example, some at the FCC support a mandated high-definition television [HDTV] standard. Not me. I will fight any FCC attempt to set mandated equipment standards. To establish such mandates would set a dangerous precedent which could chill competitive gains the United States has made throughout the world. The computer industry has grown and flourished because the Government did not set standards or impose mandates. The Government should not get into mandating standards.

I also am working to bolster our competitiveness through the enactment of the international tax simplification for American competitiveness bill. The purpose of this legislation is to make technical corrections and simplification changes to the U.S. Tax Code—eliminating some of the discriminatory and redundant application of rules of our companies. This bill likely will include a provision eliminating the discrimination against software under the foreign sales corporation rules. This too will help U.S. software exporters. This bill contains commonsense changes to the Tax Code designed to put United States companies on more equal footing with their key competitors in Japan and Germany. I intend to introduce this bill in the next few weeks. Here too, I expect widespread bipartisan support.

I want to use my role as chairman of the Commerce Committee—with its jurisdiction over international trade and the Commerce Department—in combination with my membership on the Finance Committee—which has jurisdiction over trade and tax policy—to help strengthen American competitiveness overseas. Our economic future depends upon diligent efforts to ensure our companies are treated equitably not only by foreign countries, but by our own as well. We can compete with anyone given a fair chance. It is my goal to put America first.

Mr. LEAHY. I am pleased to join a bipartisan group of Senators in supporting legislation to encourage the development and use of strong, privacy-enhancing technologies for the Internet by rolling back the outdated restrictions on the export of strong cryptography.

As an Internet user myself, I care deeply about protecting individual privacy and encouraging the development of the Net as a secure and trusted communications medium. Current export restrictions only allow American companies to export primarily weak encryption technology. The current strength of encryption the U.S. government will allow out of the country is so weak that, according to a January 1996 study conducted by world-renowned cryptographers, a pedestrian hacker can crack the codes in a matter of hours. A foreign intelligence agency can crack the current 40-bit codes in seconds.

Perhaps more importantly, the increasing use of the Internet and similar interactive communications technologies by Americans to obtain critical medical services, to conduct business, to be entertained and communicate with their friends, raises special concerns about the privacy and confidentiality of those communications. I have long been concerned about these issues, and have worked over the past decade to protect privacy and security for our wire and electronic communications. Encryption technology provides an effective way to ensure that only the people we choose can read our communications.

Encryption is critical for electronic commerce really to flourish on the Internet, and for computer users to trust that their communciations will remain private. Today, I have sent out an open letter to the Internet about this encryption legislation. So that people reading the letter can be assured that it is really me sending it, I am using a popular encryption program called ''Pretty Good Privacy'', or ''PGP'', to authenticate my signature. This is yet another practical use of encryption, and an important one for electronic commerce.

Maintaining the privacy and confidentiality of our computer communications and information is very important to all of us both here and abroad. I have read horror stories sent to me over the Internet about how human rights groups in the Balkans have had their computers confiscated during raids by security police seeking to find out the identities of people who have complained about abuses. The human rights groups have been able to get for free from the Internet an encryption program called Pretty Good Privacy (PGP) to protect their computer communications and files. These encrypted files are undecipherable by the police and the names of the people who entrust their lives to the human rights groups are safe.

The encryption bill, called the Promotion of Commerce On-Line in the Digital Era (PRO-CODE) Act of 1996, which we introduce today, would:

Bar any government-mandated use of any particular encryption system, including key escrow systems and affirm the right of American citizens to use whatever form of encryption they choose domestically;

Loosen export restrictions on encryption products so that American companies are able to export any generally available or mass market encryption products without obtaining government approval; and

Limit the authority of the Federal Government to set standards for encryption products used by businesses and individuals, particularly standards which result in products with limited key lengths and key escrow.

This is the second encryption bill I have introduced with Senator BURNS and other congressional colleagues this year. Both bills call for an overhaul of this country's export restrictions on encryption, and, if enacted, would quickly result in the widespread availability of strong, privacy protecting technologies. Both bills also prohibit a government-mandated key escrow encryption system. While Pro-CODE would limit the authority of the Commerce Department to set encryption standards for use by private individuals and businesses, the first bill we introduced, called the ''Encrypted Communications Privacy Act'', S.1587, would set up stringent procedures for law enforcement to follow to obtain decoding keys or decryption assistance to read the plain text of encrypted communications obtained under court order or other lawful process.

To satisfy national security and law enforcement concerns, both bills have important exceptions to restrict encryption exports for military end-uses, or to terrorist designated or embargoed countries, such as Cuba or North Korea.

I know this is not enough to satisfy our national security and law enforcement agencies, who fear that the widespread use of strong encryption will undercut their ability to eavesdrop on terrorists or other criminals.

But U.S. export controls will not keep encryption out of the hands of criminals; these controls only hurt legitimate users and American business. Any criminal intent on encrypting his computer information or messages to avoid getting caught can go into any Egghead store and buy off-the-shelf Lotus Notes or Norton Utilities encryption program, both of which contain strong encryption that cannot be exported. It is then a simple matter just to slip the software disc into his pocket to smuggle out of the country.

Actually, it is even simpler than that for a foreign terrorist or any criminal to get ahold of strong encryption. They don't even have to leave home. With a computer, a modem, and a telephone line, they could download for free off the Internet from anywhere in the world strong encryption, such as Pretty Good Privacy.

Strong encryption has an important use as a crime prevention shield, to stop hackers, industrial spies and thieves from snooping into private computer files, and stealing valuable proprietary information. We should be encouraging the use of strong encryption to prevent certain types of computer and online crime.

It is clear that the current policy toward encryption exports is hopelessly outdated, and fails to account for the real needs of individuals and businesses in the global marketplace.

In one recent example, a major high-technology firm had a multi-million dollar contract to sell digital television systems to China put at risk due to our export regulations. Why? The company suffered lengthy delays in getting export approval because the systems contained encryption technology to scramble TV signals—a critical component of the system to protect the intellectual property rights of the programming carried by the signal. Foreign competitors seeking to get into the vast China market were ready and willing to step into the company's place if it were unable to fulfill its contractual obligations. Two weeks after the contractual delivery date, the company finally got the export approval it sought. This example is particularly ironic since in trade negotiations, the United States has strongly urged China to protect intellectual property rights better.

Encryption expert Matt Blaze, in a recent letter to me, noted that current U.S. regulations governing the use and export of encryption are having a ''deleterious effect * * * on our country's ability to develop a reliable and trustworthy information infrastructure.''

This sentiment is echoed by the chief executive officers of 13 major U.S. computer systems companies, including IBM, Apple, Digital Equipment, Hewlett-Packard, and others, which recently reported that

* * * encryption is the most practical and effective means to protect valuable and confidential electronic information traveling across open networks. The availability of effective encryption is necessary to realize the full potential of the Global Information Infrastructure (GII).

The time is right for Congress to take steps to put our national encryption policy on the right course. The Pro-CODE bill, as well as the Encrypted Communications Privacy Act, S. 1587, are much-needed steps to reform our Nation's cryptography policy.

Mrs. MURRAY. Mr. President, I am pleased to be joining Senator BURNS, Senator LEAHY, Senator DOLE, Senator PRESSLER and others in cosponsoring the Promotion of Commerce On-Line in the Digital Era Act of 1996. The strong bipartisan support for this bill emphasizes how important our national encryption policies are becoming and reflects Congress' growing awareness of the issues surrounding the production and sale of encrypted software and hardware. I commend Senator BURNS and Senator LEAHY for their efforts in putting this legislation together.

As many of my colleagues know, the Department of Commerce recently released a report stating there are tremendous international growth opportunities for software exporters in the next five to 10 years. Unfortunately, the Department of Commerce also acknowledged most U.S. companies don't pursue international sales because our export control laws are too cost prohibitive.

Rather than dissuading international sales, our national policies should be encouraging American companies to enter the global marketplace. American software producers are losing tens of billions of dollars in lost sales due to outdated export controls. I recognize there are legitimate national security concerns underpinning the Export Administration Act. However, these archaic laws are no longer relevant to the post-cold-war world in which we now live. Today's national export controls should target those items that really need to be controlled in order to maintain national security. Simply, they should make better sense; it doesn't make sense to tell U.S. software producers they can't export a product that is already widely available on the world market.

Senator BURNS' bill makes sure our innovative private sector producers lead the way in developing acceptable encryption technology, and it makes sure government mandates and national export control policies do not hamper private sector developments.

Mr. President, I introduced the Commercial Export Administration Act in the 103rd Congress, and I am pleased Senator BURNS is incorporating the spirit of my language in his bill. My language reduced regulatory red tape and made it easier to export generally available mass-marketed commercial software. Washington state is home to some of the most innovative software producers in the world, and they are eager to export their goods. Unfortunately, our export controls keep Washington state's companies from penetrating the world market.

Some of my colleagues may not know that Washington state's small and mid-sized high-tech companies provided more than 98,000 jobs in 1995.

Mr. President, I mention this because our bill will increase exports and enable our high-tech companies to grow further. Higher growth means more jobs—plain and simple. A recent study revealed U.S. software and hardware exporters lost $60 billion in potential 1995 sales, and the study estimates a loss of 200,000 jobs in the industry by the year 2000. Given the increase in international competition, we can no longer afford to hold U.S. companies back from potential world sales.

This legislation is badly needed, and I urge my colleagues to join Senator BURNS and me in supporting this bill.

ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 929

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 929, a bill to abolish the Department of Commerce.

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1385

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under Part B of the Medicare Program.

S. 1584

At the request of Mr. THOMPSON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1584, a bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

S. 1646

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1647

At the request of Mr. PRESSLER, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1647, a bill to amend the Federal Land Policy and Management Act of 1976 to provide that forest management activities shall be subject to initial judicial review only in the United States district court for the district in which the affected land is located, and for other purposes.

S. 1667

At the request of Mr. GREGG, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1667, a bill to change the date on which individual Federal income tax returns must be filed to the nation's Tax Freedom Day, or the day on which the country's citizens no longer work to pay taxes, and for other purposes.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Utah [Mr. BENNETT], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. BYRD], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. DEWINE], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. FRIST], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. GRAMS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Hampshire [Mr. SMITH], the Senator from Wyoming [Mr. THOMAS], the Senator from Oregon [Mr. WYDEN], the Senator from Delaware [Mr. BIDEN], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5,

1996, as ''National Correctional Officers and Employees Week.''

AMENDMENT NO. 3840

At the request of Mr. CHAFEE the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of amendment No. 3840 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.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SIMPSON AMENDMENT NO. 3951

Mr. SIMPSON proposed an amendment to amendment No. 3734 proposed by him to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing Border Patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

SEC. . ADMINISTRATIVE REVIEW OF ORDERS.

Section 274A(e)(7) is amended by striking the phrase '', within 30 days,''.

Section 274C(d)(4) is amended by striking the phrase '', within 30 days,''.

SEC. . SOCIAL SECURITY ACT.

Section 1173(d)(4)(B)) of the Social Security Act (42 U.S.C. 1320b–7(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

''(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. . HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980.

Section 214(d)(4)(B) of the Housing and Community Development Act of 1980 (42 U.S.C. 143a(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

''(i) the Secretary shall transmit to the Immigration and Naturalization Service either photostat or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. . HIGHER EDUCATION ACT OF 1965.

Section 484(g)(B) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

''(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. . JUDICIAL REVIEW OF ORDERS OF EXCLUSION AND DEPORTATION.

Page 87, at the end of line 9, insert at the end of the following:

''Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to exclude or deport an alien from the United States under Title II of this Act shall be available only in the judicial review of final order of exclusion or deportation under this section. If a petition filed under this section raises a constitutional issue that the court of appeals finds presents a genuine issue of material fact that cannot be resolved on the basis of the administrative record, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides or is detained for a new hearing on the constitutional claim as if the proceedings were originally initiated in district court. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure.''

SEC. . LAND ACQUISITION AUTHORITY.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by redesignating subsections ''(b)'', ''(c)'', and ''(d)'' as subsections ''(c)'', ''(d)'', and ''(e)'' accordingly, and inserting the following new subsection ''(b)'':

''(b)(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

''(2) The Attorney General may contract for or buy any interest in land identified pursuant to subsection (a) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

''(3) When the Attorney General and the lawful owner of an interest identified pursuant to subsection (a) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to 40 U.S.C. 257.

''(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to subsection (a).''

SEC. . SERVICES TO FAMILY MEMBERS OF INS OFFICERS KILLED IN THE LINE OF DUTY.

SEC. 294. [8 U.S.C. 1364]—Transportation of the Remains of Immigration Officers and Border Patrol Agents Killed in the Line of Duty.

(a) Notwithstanding any other provision of law, the Attorney General may expend appropriated funds to pay for:

(1) the transportation of the remains of any Immigration Officer or Border Patrol Agent killed in the line of duty to a place of burial located in the United States, the Commonwealth of Puerto Rico, or the territories and possessions of the United States;

(2) the transportation of the decedent's spouse and minor children to and from the same site at rates no greater than those established for official government travel; and

(3) any other memorial service sanctioned by the Department of Justice.

(b) The Department of Justice may prepay the costs of any transportation authorized by this section.

SEC. . POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (a) by adding the following after the last sentence of that subsection:

''The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under intergovernmental service agreements with State or local units of government. The Attorney General, in support of persons in administrative detention in non-Federal institutions, is further authorized to enter into cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for persons detained by the Immigration and Naturalization Service.''

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (b) by adding the following:

''The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws of the United States.''

SEC. . PRECLEARANCE AUTHORITY.

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. 1103(a)) is amended by adding at the end the following:

''After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers.''

On page 173, line 16, insert ''(a)'' before the word ''Section''.

On page 174, at the end of line 4, insert the following:

''(b) As used in this section, ''good cause'' may include, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General.''

Page 106, line 15, strike ''(A), (B), or (D)'' and insert ''(B) or (D)''.

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to section 150(b)(C) of this Act and except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

SEC. . DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the ''Commissioner'') shall in accordance with the provisions of this section develop a prototype of a counterfeit-resistant social security card. Such prototype card shall—

(A) be made of a durable, tamper-resistant material such as plastic or polyester,

(B) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(C) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.—The Attorney General of the United States shall provide such information and assistance as the Commissioner deems necessary to achieve the purposes of this section.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Commissioner shall conduct a study and issue a report to Congress which examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDY.—The study shall include an evaluation of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3, 5, and 10 year period. The study shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3, 5, and 10 year phase-in options.

(3) DISTRIBUTION OF REPORT.—Copies of the report described in this subsection along with a facsimile of the prototype card as described in subsection (a) shall be submitted to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate within 1 year of the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as may be necessary to carry out the purposes of this section.

Page 15, lines 12 through 14, strike: ''(other than a document used under section 274A of the Immigration and Nationality Act)''

NOTICES OF HEARINGS

JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

Mr. HATFIELD. Mr. President, I wish to announce that the Joint Committee on the Library of Congress will meet in SR–301, Russell Senate Office Building, on Tuesday, May 7, 1996 at 10 a.m. to receive testimony on a report done by the General Accounting Office on the Library of Congress.

For further information concerning the hearing, please contact Chuck Frost of the committee staff on (202) 224–8312.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct an oversight hearing during the session of the Senate on Thursday, May 9, 1996 at 9:30 a.m. on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe versus Florida. The hearing will be held in room G–50 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

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 on Thursday, May 2, 1996, for markup of the fiscal year 1997 defense authorization bill.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, May 2, at 2:30 p.m., hearing room (SD–406), to receive testimony from Hubert T. Bell, Jr., nominated by the President to be Inspector General, Nuclear Regulatory Commission.

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 Thursday, May 2, 1996, at 10 a.m., to hold an executive business meeting.

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 Thursday, May 2, 1996, at 2 p.m. to hold a nominations hearing.

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 Thursday, May 2, 1996, to conduct hearings pursuant to Senate Resolution 120.

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 Thursday, May 2, 1996 at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 2, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1401, Surface Mining Control and Reclamation Amendments Act of 1995; and S. 1194, to amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources.

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

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 2, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 742, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to

acquisition from willing sellers; S. 879, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile headwaters segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; S. 1167, a bill to amend the Wild and Scenic Rivers Act to exclude the South Dakota segment from the segment of the Missouri River designated as a recreational river; S. 1168, a bill to amend the Wild and Scenic Rivers Act to exclude any private lands from the segment of the Missouri River designated as a recreational river; S. 1174, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System; and S. 1374, a bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

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

ADDITIONAL STATEMENTS

205TH ANNIVERSARY OF POLISH CONSTITUTION

● Mr. ABRAHAM. Mr. President, I rise today to congratulate the Polish-American community and Polish people around the world on a very important occasion in world history. May 3, 1996, marks the 205th anniversary of the adoption of Poland's first constitution.

The concept of a constitutional democracy was introduced to Poland by Thaddeus Kosciuszko, a hero of the American Revolutionary War. The similarities between the Constitution of the United States and Poland are numerous, including protection of sovereignty and national unity, securing of individual and religious freedom for all persons, separation of powers encompassed in the judicial, legislative, and executive branches, and power derived from the will of the people. These strong principles have endured in both countries, and has made Poland an independent nation and leader in Central-Eastern Europe.

I am pleased to be able to join Senator DOLE and my other Senate colleagues in cosponsoring Senate Joint Resolution 51 which commemorates this very important anniversary. My home State of Michigan has been blessed with a wonderful Polish-American community and I extend my warmest congratulations to them and to the national Polish-American community on the commemoration of this anniversary.●

SOUTHEASTERN MICHIGAN SOCIETY OF HOSPITAL PHARMACISTS

● Mr. LEVIN. Mr. President, I rise today to commemorate the 50th anniversary of the founding of the Southeastern Michigan Society of Hospital Pharmacists. The society was founded in 1946 when a group of pharmacists decided that they needed a forum where they could exchange ideas and educate themselves about their evolving profession.

Today, the mission of the Southeastern Michigan Society of Hospital Pharmacists is still to provide an arena where pharmacists can keep abreast of new rules, regulations, and accreditation standards. The society promotes the continuing education of its members through periodic lectures. The society also seeks to educate the public every year through Pharmacy Week, Poison Prevention Week, and Child Immunization Week.

The society is a 600-member regional association of the American Society of Health-Systems Pharmacists. On May 11, 1996, the organization will hold a banquet to celebrate their 50th anniversary. This significant milestone is made even more special because it marks the first time a regional organization of the American Society of Health-Systems Pharmacists has achieved such longevity.

I know my Senate colleagues join me in celebrating the great achievements of the Southeastern Michigan Society of Hospital Pharmacists over the past 50 years.●

HIGHLANDS UNION BANK

● Mr. WARNER. Mr. President, I am pleased today to have the opportunity to give well deserved recognition to a bank in my State. Highlands Union Bank in Abingdon, VA, recently received the U.S. Small Business Administration's top ranking as one of the Nation's top ''small business friendly banks''. The SBA Office of Advocacy defines small business lending as loans under $250,000. I would like to commend Highlands Union Bank for this achievement. The ranking is based on many factors, including the number of loans given to small businesses, as well as the dollar values. They scored 49 out of a possible 50 points—the best in the State of Virginia.

As a member of the Senate's Small Business Committee, I believe very strongly in this Nation's small businesses. Small businesses are the job creators in our economy. Indeed, small businesses are the backbone of America. Highlands Union Bank is committed to serving small business, and providing opportunities for entrepreneurs. This financial institution believes in its community, and in helping people.

Mr. President, I would like to congratulate Mr. Sam Neese, CEO, for this outstanding recognition from the Small Business Administration. I also extend my best wishes to the staff, because I know full well they rightfully share in this honor. Highlands Union Bank is a shining example for banks across the country and I am proud to salute this Virginia institution for its hard work and accomplishments.●

HOLY CROSS ELEMENTARY SCHOOL

● Mr. BIDEN. Mr. President, this afternoon I had the privilege of meeting with 37 seventh-grade students from Holy Cross Elementary School in Dover, DE. Talking with these bright and energetic young people on the steps of the Capitol reminded me that I was about their age when I first began to develop an interest in government and consider a career in public service.

While we talked out there on this beautiful spring day, I noticed that I was not alone. A number of my colleagues were similarly engaged with young people from their own States.

Today the Senate passed important legislation on immigration reform, legislation which will have a profound impact upon the communities in which these young people are growing up. And I am glad that the students from Holy Cross had the opportunity to witness some of this important debate. It provides them with the opportunity to learn that what we do here has a real-life effect upon many, many Americans. It reinforces that point that young people, whether they are old enough to vote or not, have a stake in keeping abreast of public affairs, because it is their communities', their States', and their Nation's future that is being shaped by the actions we take here in the Halls of Congress.

It will not be too many years before those seventh-graders are our leading businessmen, teachers, doctors, and even Senators, and I think there are few things we as public officials can do that are as important as spending time with the young people who are the future of this country. I have always said that education is the best investment America can make, and as public servants, I believe we have a responsibility to encourage that investment whenever possible.

Beyond that, I honestly believe that spending time with bright, energetic, and thoughtful young people does us a lot of good. Because I never come away from meeting them without gaining a fresh perspective on some of the important questions and issues which confront us today. My meeting with the students from Holy Cross was no exception, and I am grateful to Ms. Marylou Soltys and Ms. Marie McCann and the 13 parent chaperones for bringing their students to Washington. I hope that they all enjoyed their visit, and benefited from our conversation, as much as I did.

I hope to see the day when they return to Washington as leaders in industry, education, medicine, and government.●

CYCLE OF VIOLENCE

● Mr. COHEN. Mr. President, Derrick Robie's tiny, battered body was discovered in the afternoon of August 2, 1993. The small town was shocked to find

that 13-year-old Eric Smith had murdered this 4-year-old child.

Investigators found an indicator of violent crime in Eric Smith's behavioral pattern: 1 year prior to killing Derrick Robie, Eric had strangled his neighbor's cat with a hose clamp. At the time, no one paid much attention to this so-called prank.

Mr. President, it is time that we took a serious look at animal abuse and it's link to crimes against people. Perpetrators of serious animal abuse often lack empathy and respect for life in general. The absence of empathy is often manifested by striking, torturing and abusing an innocent animal. Abusing animals is a despicable act, and psychologists and criminologists tell us those who lack empathy for animals may also lack empathy for humans. As a result they may be predisposed to other violent behavior.

Violence begets violence. Child, spousal, and elder abuse are unfortunately too commonplace in our society. Often physical abuse is coupled with sexual abuse against a family member. Aggression is passed from one generation to another. In a hostile home environment, children often mimic their parents' abusive behavior. They become abusive to others, including the family pet, and learn that violence and cruelty are a way of life. Unless intervention occurs, this child is likely to continue violent acts to others, perhaps become an abusive spouse, and possibly commit other criminal acts.

The National Research Council and the Federal Bureau of Investigation agree that cruelty to animals is one childhood behavior that is a powerful indicator of violence elsewhere in the perpetrator's life. There is a strong probability that youths who abuse animals are themselves victims and perpetrators of violence.

Dr. Frank Ascione of Utah State University has been conducting research on the animal-people abuse phenomenon for more than 15 years. He has studied the common roots of violence toward people and animals and has found a strong correlation between animal abuse and people abuse. He is a leader among many researchers who have been scientifically studying this phenomenon since the 1970's. One study of 38 abuse victims at a crisis shelter found nearly 75 percent of women with pets reported their partner had threatened, hurt, or killed the animal. Researchers in child abuse cases found that in 88 percent of these family situations, the pet was also abused.

Violence is not an isolated event and animal abuse is often part of a larger cycle of violence. For this reason, violence toward animals must be taken much more seriously. Cruelty to animals can be a predictor of future violence and an indicator of the violence already in the perpetrator's life.

Experts in the family violence field instruct us to treat a single act of violence as indicators of past and future violence. Our public support systems must be coordinated so when an adult or child abuses an animal, the animal control officer will notify other public health officials to determine whether there is evidence of child, spousal or elder abuse. The perpetrator of animal or people abuse may, himself, be a victim of sexual or other abuse. Further, the Federal Bureau of Investigation has identified animal abuse as one of a cluster of juvenile behaviors that could suggest serious violent behavior later in life.

The good news is that experts are finding that compassion and empathy can be taught. Various schools across the country have recognized the linkage of animal and people violence. They have added specialized humane education to their curriculum in order to teach compassion and empathy.

In 1994 the National Research Council released a comprehensive study on understand and preventing violence, showing that childhood behavior is more important than teenage behavior in predicting future violent behavior. The report suggests that early prevention efforts have a greater potential for reducing adult crime than criminal sanctions applied later in life.

Cities and towns across the country are beginning to recognize the potential for further violence in the link between animal abuses and other abuses. Last year the city of San Diego enacted an unprecedented interagency agreement, requiring its children's services agencies to report to animal control officials suspected instances of animal abuse within 24 hours of becoming aware of it. Further, the animal control officers must report suspected child abuse to the proper authorities. These workers are cross trained to recognize signs of abuse in animals and people.

Other cities and States are strengthening penalties for animal abuse as well as requiring mental health care to be administered to the perpetrators of animal abuse. There is much to be done, and progress begins when those of authority become educated on the significance of animal cruelty.

It is the responsibility of our private and public support systems to recognize signs that a child is in trouble and intervene in an effective manner. The FBI has identified clusters of traits indicating problems: firesetting, cruelty to animals, truancy, et cetera. When there is fire setting, there could be sexual abuse. When there is truancy, there could be drug problems. When there is fighting, and cruelty to people or animals, the perpetrator could be responding to abuses he is suffering or has suffered. Most importantly these signals should not be treated as isolated events, but rather trigger responses from the educators, criminal justice professionals, public health officials, and animal control specialists, working in concert.

I believe that this cycle of violence merits further investigation. We must recognize there is continuity between animal abuse and people abuse. Further research is needed on the predictable influences of violence. Meanwhile, we must take action on the known data. Individuals, the public health system, the criminal justice professionals, and the educators must coordinate their efforts in recognizing, intervening and preventing future violent acts.

In order to encourage more in-depth analyses of this link between people and animal violence, I have asked Attorney General Janet Reno to accelerate the Department of Justice's research in this area and to take appropriate action based upon what we already know. One particular area of interest to me is the education of prosecuting attorneys and judges regarding the correlation of animal cruelty to other crimes. While experts agree the penalties for such abuse should be stiffened, they are also in agreement that a mental health analysis of the entire family involved in an abusive case may be necessary.

I intend to continue my examination of violence prevention and I intend to continue investigating where the public support systems may be further strengthened in breaking this cycle of violence. The professionals in criminal behavior are reporting to us that violence has warning signals. It is our responsibility to recognize these signals and intervene swiftly and effectively.

Admittedly this is not an exact science. Every child that abuses an animal will not necessarily become a violent offender or become a victim of violence himself, but it would be a mistake to dismiss the strong correlation between animal and people violence. As a society, we must realize that violent behavior rarely exists in a vacuum. We must recognize at-risk youths who lack empathy and compassion for animals and other human beings. It is our responsibility to do all that we can to teach these personality attributes to our youth so that today's animal abusers don't continue these despicable actions and become tomorrow's dangerous felons, thereby perpetuating the cycle of violence that has taken such a devastating toll on our society.●

SUPPORT FOR JUNK GUN VIOLENCE PROTECTION ACT

● Mrs. BOXER. Mr. President, one month ago, I introduced legislation to prohibit the manufacture and sale of junk guns—the cheap, easily concealable handguns of choice for criminals. This bill has attracted the support of 27 California police chiefs and sheriffs and numerous law enforcement and anti-crime organizations.

I ask that a list of supporters of the Junk Gun Violence Protection Act be printed in the RECORD.

The list follows:

SUPPORTERS OF THE JUNK GUN VIOLENCE PROTECTION ACT

Chief Willie Williams, Los Angeles Police Department.

Chief Art Venegas, Sacramento Police Department.
Chief Fred Lau, San Francisco Police Department.
Chief Louis Cobarruviaz, San Jose Police Department.
Chief Ed Chavez, Stockton Police Department.
Chief Arnold Millsap, Eureka Police Department.
Chief Stephen D. Walpole, Scotts Valley Police Department.
Chief Robert W. Nichelini, Vallejo Police Department.
Chief Gregory Caldwell, Downey Police Department.
Chief Sidney J. Rice, Daly City Police Department.
Chief Craig T. Steckler, Fremont Police Department.
Chief P. Robert Krolak, San Rafael Police Department.
Chief M. Lansdowne, Richmond Police Department.
Chief Daschel Butler, Berkeley Police Department.
Chief Joseph Samuels, Jr., Oakland Police Department.
Chief Steven R. Belcher, Santa Cruz Police Department.
Chief Robert J.P. Maginnis, San Leandro Police Department.
Chief Wayne C. Clayton, El Monte Police Department.
Chief Wesley R. Bowling, East Palo Alto Police Department.
Chief Larry Todd, Los Gatos Police Department.
Chairman, Firearms Committee of the Police Chief's Association.
Chief Salvatore V. Rosano, Santa Rosa Police Department.
Chief Larry Hansen, Lodi Police Department.
Chief Burnham E. Matthews, Alameda Police Department.
Chief James Cook, Westminster Police Department.
Chief Charles Brobeck, Irvine Police Department.
Chief Harold Hurtt, Oxnard Police Department.
Chief Hourie Taylor, Compton Police Chief.
Chief Gene Kulander, Palm Springs Police Department.
Chief Skip Dicherchio, National City Police Department.
Chief Michael Stein, Escondido Police Department.
Chief Lloyd Scharf, Ontario Police Department.
Chief Wesley Mitchell, Los Angeles Unified School District Police Department.
Chief Ted J. Mertens, Manhattan Beach Police Department.
Chief Ronald E. Lowenberg, Huntington Beach Police Department.
City of Palo Alto, Lanie Wheeler, Mayor.
Sheriff Robert T. Doyle, Marin County.
Sheriff Norman G. Hicks, Monterey County.
The Honorable Luis Caldera, California State Assembly.
The Honorable Elihu Harris, Mayor, City of Oakland.
The Honorable Joe Serna, Jr., Mayor, City of Sacramento.
California Police Chiefs' Association.
Los Angeles County Police Chiefs' Association.
San Diego County Chiefs' and Sheriffs' Association.
Coalition to Stop Gun Violence.
Californians for Responsible Gun Laws.
Trauma Foundation.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through April 30, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $15.5 billion in budget authority and by $14.3 billion in outlays. Current level is $79 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $260.1 billion, $14.4 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated April 15, 1996, Congress has cleared and the President has signed the Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128), the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104–132), and the Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134). These actions changed the current level of budget authority, outlays and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 2, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through April 30, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated April 15, 1996, Congress has cleared, and the President has signed the Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128), the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104–132), and the Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION AS OF CLOSE OF BUSINESS APR. 30, 1996

[In billions of dollars]

	Budget Resolution H. Con. Res. 67	Current level	Current level over/ under resolution
ON-BUDGET			
Budget Authority [1]	1,285.5	1,301.1	15.5
Outlays [1]	1,288.2	1,302.5	14.3
Revenues:			
1996	1,042.5	1,042.4	−0.1
1996–2000	5,691.5	5,697.0	5.5
Deficit	245.7	260.1	14.4
Debt Subject of Limit	5,210.7	5,008.9	−201.8
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0
1996–2000	1,626.5	1,626.5	0
Social Security Revenues:			
1996	374.7	374.7	0
1996–2000	2,061.0	2,061.0	0

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to Section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the least U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS APRIL 30, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557
ENACTED IN FIRST SESSION			
Appropriation Bills			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization Bills			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(*)	
Perishable Agricultural Commodities Act (P.L. 104–48)	1	(*)	
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(*)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills			
Ninth Continuing Resolution (P.L. 104–99) [1]	−1,111	−1,313	
District of Columbia (P.L. 104–122)	712	712	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
Authorization Bills			
Gloucester Marine Fisheries Act (P.L. 104–91) [2]	14,054	5,882	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mountain Arizona Settlement Act (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [3]			

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS APRIL 30, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(*)	(*)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (P.L. 104–117)			−38
Contract with America Advancement Act (P.L. 104–121)	−120	−6	
Agriculture Improvement and Reform Act (P.L. 94–127)	−325	−744	
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)			(*)
Antiterrorism and Effective Death Penalty Act (P.L. 104–132)			2
Total enacted second session	292,699	201,740	−36
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,913	13,951	
Total Current Level[4]	1,301,058	1,302,495	1,042,421
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution			79
Over Budget Resolution	15,558	14,395	

[1] P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays, and revenues begin in fiscal year 1997.

[4] In accordance with the Budget Enforcement Act, the total does not include $4,547 million in budget authority and $2,399 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

* Less than $500,000.

Notes: Detail may not add due to rounding.●

RECOGNIZING DR. PAUL KREIDER FOR HIS ACCOMPLISHMENTS AND YEARS OF GOOD SERVICE

● Mr. WYDEN. Mr. President, this June, Dr. Paul Kreider will be retiring from his position as president of Mount Hood Community College in Gresham, OR. I would like to recognize Dr. Kreider for his exceptional accomplishments and leadership during his many years of service.

Through strategic planning, program review and improvement, staff and organizational development, management information systems, and participatory decisionmaking, Dr. Kreider has played a significant role in the successful development of Mount Hood Community College. His effectiveness as a leader has not gone unnoticed; Dr. Kreider has received a number of awards, among them the National Council for Research and Planning 1991 Management Recognition Award, the National ACCT Marie Y. Martin CEO of the Year Award, and the National Council for Staff, Program, and Organizational Development Leadership Award.

Dr. Kreider's leadership did not stop at the doors of Mount Hood Community College; he has extended his knowledge and expertise to others in the community as well. In particular, he founded and chaired the Consortium for Institutional Effectiveness and Student Success in the Community College, an American Association Community Colleges-affiliated consortium. Additionally, he reached out to assist other community colleges in developing assessment tools to measure student outcomes, strategic planning, and program improvement.

Dr. Kreider remains quite active on State, national, and international levels. In the past, he served as president of the Board of Education Partners for International Cooperation, Inc. and the Oregon Community College Presidents' Council. Presently, he sits on the boards of several organizations including the American Association of Community Colleges and Community Colleges for International Development, Inc.

Again, I would like to both pay tribute to Dr. Kreider and congratulate him for his accomplishments and contributions to the educational community. Mount Hood Community College, as well as Oregon at large, has most certainly benefited from his initiative and leadership. I wish him the best of luck in his future endeavors.●

TRIBUTE TO DAVID IFSHIN

● Mr. MCCAIN. Mr. President, today, we laid to rest a dear friend of mine, and of many of my colleagues, David Ifshin. His family honored me by inviting me to be among the eulogists at David's funeral. I want to include in the RECORD a copy of my remarks so that those many Americans who review our proceedings will know that a good and much loved man and an authentic American patriot has been lost to us.

I ask that those remarks be printed in the RECORD.

The remarks follow:

EULOGY FOR DAVID IFSHIN BY SENATOR JOHN MCCAIN

It has become a common appeal of eulogists for the bereaved to celebrate the life rather than mourn the passing of the loved one to whom we bid goodbye. It is a hopeful and well-intended appeal. Gathering in sorrow is not, I suspect, what David Ifshin would have us do on this occasion. But he was such a lovely guy, and his company such a blessing, that the loss of him is a great weight which only a word from David could lift from my heart today.

Yet, the sadness of this day will not long intrude on our memories of David; memories which illuminate for me a way to live my own life. As we grow older, we all learn how brief a moment life is. David's was far too brief, but he filled his moment with so much passion and love and with such a ceaseless striving for grace that it would exhaust the lives of lesser men who manage to stay among us for more years than David could. Few people, having reached the end of a long life, will have done as much good, lived with grater dignity, deserved more honor, bestowed more love, traveled as far as David Ifshin did in his forty-seven years.

David had an uncommon capacity for personal growth. When I was in his company, I always had a sense that David derived much of his own happiness from discovering virtue in others. And I believe those discoveries made him grow. They nourished his own humanity.

David was a patriot because he found, as all patriots must, virtue in his country's cause. He always felt passionate about his country. But when we are young our passion is not always governed by wisdom gained from long experience, and, thus, is often indiscriminate in the emotions it animates. While living in Israel David discovered his country's virtue, and his love of country became the object of his enlightened passion.

David also possessed an animating love of justice. He worked to make our society more just, and he sought justice for those who were not blessed to live in this country. Even more importantly, he always tried in his personal relationships to do justice to others. And that explains why, no matter where his reason and his love took him, David never left a friend behind.

We friends of David are cast across the spectrum of contemporary American politics. Some may think that David and I became friends because David's political views became more compatible with my own. That is not really true. My regard for David is more personal then political affinity. We remained partisans in different camps. What David taught me, and, I suspect, what he taught a great many people, was how narrow are the differences that separate us in a society united in its regard for justice, in a country in love with liberty.

In this town, we accentuate our political differences to advance our respective agendas and our professional ambitions. David kept such things in perspective. He was loyal to his political beliefs, but he pledged a greater devotion to the bonds of friendship and love that connected him to so many people of diverse backgrounds, creeds and aspirations.

He was extraordinarily generous in his regard for others' virtues, and self-effacing in considering his own attributes. Because of that capacity, I always felt in David's company that I was in the presence of a better man.

Regrettably, it was not human virtue, but human weakness which created the occasion for me to publicly declare my personal regard for David. Some people who did not know David based their judgment of his character in their resentment over one brief episode in David's life. I am ashamed to admit that I once made the same mistake. My subsequent discovery of David's true character taught me to refrain in future from using snapshots of another's life as the full measure of a person's value. That was a valuable lesson to learn, and I am indebted to David for having taught it to me.

To honor that debt, I tried to impart the lesson to others who had rushed to a wrong judgment of David. Three years ago, I went to the Senate floor to respond to a protest at the Vietnam War Memorial. One of the protestors had held up a sign questioning David's patriotism and his association with the President. I wanted the protestors to know that they were bearing false witness against a good man. That this small gesture meant so much to David meant even more to me. David Ifshin was my friend, and his friendship honored me, and honors me still.

Most of the important and lasting friendships I have made in my life were formed in the shared experience of war. David and I did not fight a war together, but neither did we fight a war against each other. We chose instead to make a peace together.

I found little to differentiate the quality of our friendship from the quality of those that were begun in Vietnam. I learned about courage, honor and kindness from all my friendships. From David, I learned to look for virtue in others, and I also learned the futility

of looking back in anger. I'm a better man for the experience.

I think that as David approached the closing of his life he could look back with pride, and with gratitude, that his life was not distinguished by its brevity, but by its richness, by the love of his beautiful family, and by the tender regard in which he was held by so many people who knew a good man when they saw him. We are all better people for having been blessed by David Ifshin's friendship.

Gail, Jake, Ben and Chloe, Mr. and Mrs. Ifshin, thank you for so generously sharing David with the rest of us. Please know that the day will arrive when your deep hurt subsides, when the memory of David, and the bright and gentle moments you shared with him lifts your hearts again. He will be with you always.●

COMMERCE SECRETARY RONALD H. BROWN

● Mr. LIEBERMAN. Mr. President, as we return to session today it is spring in Washington. The blossoms are out. It is a beautiful time, and yet I am sure the experience I had in flying back with my family yesterday was similar to what others returning yesterday experienced: It brought home the terrible tragedy that occurred while we were away—the plane that went down in Croatia carrying Secretary of Commerce Ron Brown and so many others. It filled me with a sense of loss again yesterday and today.

I am proud that I had the chance to work with Ron Brown during his all too short tenure at the Commerce Department. I enjoyed working with Ron Brown at various stages of his career—as an attorney, as a leading Democratic activist, as chairman of the Democratic National Committee, and most closely and, I think, most creatively in these last 3 years as Secretary of Commerce. I am honored that I can call him a friend. We are all going to miss him—it's painful to think that my staff and I won't have the sheer fun of working with him again—and the country will miss him even more. I have the greatest respect for him, as have so many others, as a wonderful, warm human being and as a leader who had a clear-eyed vision of how to make our people and our country better.

You never think of a man in the prime of life not being here. In a way, it is death that forces you to appreciate even more the great skills and the service that Ron Brown, displayed for our benefit.

Ron Brown truly loved the job he had at Commerce. He always managed to fit himself well to the tasks he undertook, wherever he was, but this job really did fit him like a glove, from the moment he took it. He understood as soon as he started the job that the mission of the Department of Commerce is to promote economic growth, that it is job creation. He understood from his own experience the wide-open nature of our market system and that the market and its upward mobility was the unique way America had for creating opportunity for its citizens.

Ron Brown never saw the business community as an enemy, he saw it as an ally in expanding opportunity, and he threw himself into this job with a single-mindedness and joyous commitment to moving the system, the economic system, so that it would deliver for all Americans.

Against this background, I want to talk about two efforts he spent his time on at Commerce that I think were critical. I believe that they were truly extraordinary, and set a new performance standard for our Government's relationship with the private sector.

EXPORTS

The first has been written about extensively in the days since his death, and even over the preceding 3 years: The incredible export promotion operation he put together at Commerce. But I do not think that enough has been said about why it was so important.

Until the mid-1970's, the United States economy was on top of the world, dominating it. While our economic rivals, led particularly by Japan, were figuring out that selling advanced manufactured goods for export was the key to economic growth and raising the living standards of people back home, our Government was coasting on our success. We were not paying attention to the emerging economic message.

Other countries built export promotion machines—and they were machines—through the most intimate and comprehensive alliances between business and government, the private sector and the public sector. But our Government paid too little attention to the need to build these alliances. American businesses—and I heard this repeatedly from business executives in Connecticut—would go abroad to compete, and they would see what the business-government alliances of our competitors were doing for export promotion.

I remember being told a story by the executive of one of the companies in Connecticut; his firm was competing against two other companies, one from Asia and one from Europe, for a very large order in a foreign country. He went over there to participate in simultaneous bidding among the three business competitors. This company from Connecticut, a big company, had its executives and lawyers in one room. But in the other two rooms, the executives and representatives of the Asian company and of the European company were teamed up with a representatives of the Asian government and of the European government, respectively. The government representatives were combining with their companies to enhance their firms' offers. It made the contest unequal. The Connecticut company did not get the contract. We lost an opportunity and jobs.

The State Department, I am afraid, continued to treat American business as if it had to be held at arm's length. Too many administrations went along with that distant attitude. Preoccupied with the end of the cold war and retaining the political alliances required for it, the State Department embraced a traditional and outmoded notion of what foreign policy was all about, of what mattered to people here at home. It missed what was happening in both the world economy and the American economy, which has been a grave error. It made export promotion a low priority, while our rivals made it the top priority. The State Department treated U.S. business like pariahs, it was ''Upstairs-Downstairs''—trade was beneath our diplomatic priorities.

This hasn't ended. A Business Week editorial this week notes that, ''The U.S. foreign policy and security elite believe security should be divorced from economic issues. Some go so far as to suggest that providing security is a perk of global power.'' It concludes, ''We don't. American workers can't be expected to suffer economically to protect [other nations] from one another.'' Ron Brown shared this view, and he was the new momentum for bringing our economy into foreign relations. The President was his staunch ally on this effort, and helped him force change in this area.

Ron Brown, working with President Clinton, understood that we had to create a central position in our foreign policy for our economic policy. Export promotion had to be at the core of our international outreach. It was not a bad thing, but, in fact, it was a very good thing, if the President visited a foreign country with the Secretary of Commerce and the issues they discussed with the leadership of that foreign country included buying American goods.

I come from a very export-oriented State. In fact, it has the highest level of exports per capita of any State in the country. We know that exports create jobs, high-paying manufacturing jobs, and that each manufacturing job has an economic multiplier effect, creating a chain of goods and services behind it, longer by far than other types of jobs.

The sad fact is that we have been disinvesting in manufacturing since the mid-1970s, even though we need these kinds of jobs more than ever to develop a strong economy and a better standard of living for our people which will continue America as the land of opportunity. Ron Brown, as Secretary of Commerce, understood this from the beginning of his service.

When he began his export promotion effort, within days of arriving at the Commerce Department, the leaders of the American business community that I spoke to—and I particularly heard this from heads of firms in Connecticut—were in disbelief. Someone was finally paying attention to their priorities. Somebody was finally trying to help them pull together an American governmental countermovement to the vast efforts rival countries and their businesses had been mounting for decades, to take jobs and exports away

from us. Finally, someone with real power, the Secretary of Commerce, understood the problem. At the same time, in the beginning, many in the business community were skeptical whether Ron Brown could make all this happen.

But he proved them wrong, to their delight. He was great at this. Trained as a lawyer and always a superb advocate, he used those skills on behalf of American businesses throughout the world. He knew how to run campaigns, and he ran this export operation like a campaign, which is exactly what it is. Nobody had ever done this before in the way that Secretary Brown did, and our country has never benefited as much before as we did from his service.

He even set up, in the Commerce Department, something like a campaign war room, where he would get reports on economic opportunities opening up around the world to sell American products and create American jobs—an early warning system. Then the letters and the phone calls would start flying—Ron Brown was a phone wizard, it was a technology invented for him, he was forever reaching out to touch some business leader or a head of State abroad. He followed those calls with visits, such as the one he was on when his life ended. He was so enormously skilled, he was so hard working, he so absolutely and irresistibly likable, he had such a great smiling charm, such sharp intelligence, he was such fun, he had such energy.

The customers loved his performance. They all knew he spoke directly to and for the President of the United States, and that he would relay their messages back to the White House. Even our friends in Japan, who have systematically been denying entry for too many United States products for too long, liked him, as he worked very hard at breaking down their barriers.

U.S. business strongly appreciated his commitment to them, his accomplishments. He was a terrific political operator in the very best sense of this phrase—he was mobilizing the political system to serve the public's needs. The business community understood this and respected it deeply—I've heard this again and again from U.S. companies. Ron Brown was a new kind of life force to them and they had great affection for him.

Ron Brown and his team's export success was only beginning when he left us, because the historic changes he was starting are a long-term project. But this new direction was a very important accomplishment for America. A major job for Secretaries of Commerce from now on will be to promote U.S. goods, not just in the offhanded, random way of the past, but with all the force of Ron Brown's campaigns, or they will be judged failures. From now on, the Federal Government is going to have to get down and get to work with business selling our economy. It's about time, but it took Ron Brown to show us how to do it. Ron Brown has set an entirely new standard for the country by which all that come after him will be judged.

INNOVATION

A second remarkable thing he did as Commerce Secretary was to fight for innovation. This has been almost nowhere mentioned in the press, and it is not well understood by the public or the fourth estate or Congress. But Ron Brown understood that for the American dream of opportunity to be sustained for a new generation, a higher level of economic growth was crucial. In addition to exports, he concentrated on another ingredient of that strategy, innovation. Even before he was sworn in as Commerce Secretary, his friend George Fisher, then president of Motorola and now of Kodak, invited him to speak to a leading group of business thinkers, the Council on Competitiveness. Ron Brown set out in that speech an aggressive agenda of technology development and promotion. He recognized that innovation has been the great American competitive advantage for generations, that it is now under attack as our competitors expand, and that it has to be renewed if we are going to keep expanding our economy. Economists estimate that technology development—coupled with a technologically trained work force—has accounted for 80 percent of the increase in United States productivity and wealth for most of this century.

INNOVATION IS OUR BREAD AND BUTTER.

Brown understood that since the Second World War, the Federal Government has backed most of the long term research and development and applied R&D that has gone on in the U.S., while business focused on shorter term product development. That is an economic reality—the risk and cost of R&D means that the private sector must focus on what it can raise capital for—shorter term products. It's a classic market failure problem, and until recently Congress on a bipartisan basis has supported the need for governmental support of innovation. Brown picked up a series of small technology and technology extension programs that had been quietly started at Commerce in previous administrations, and made them a central focus. With an able team around him, he made the Commerce Department the administration's leader in civilian technology development, and supported a new system of cooperative R&D development with business, requiring business to match Federal funding to ensure sounder Government R&D investments and leveraging Federal research dollars. He also helped expand a new system of manufacturing extension centers around the country, now in over 30 States, to bring advanced manufacturing techniques and technology to smaller and mid-sized manufacturers desperately in need of it to be able to compete with global competitors. In a time of budget cutting, he successfully found the resources to build these programs. He was also head of the administration's Information Infrastructure task force, formulating policies on the new information highway and how to expand our population's access to it.

He was both an innovator and an innovation supporter, and was moving quickly toward making the Commerce Department what it long should have been: A department for trade and technology, where each of these two sides of the department provides synergy for the other. It was becoming an agency which provided governmental leadership in these two areas in support of the private sector, not trying to dominate it, and much stronger because of this.

Ron Brown's clear success, of course, led to the usual Washington political reaction against signs of creativity. Unfortunately, for too much of this past year he had to spend time deftly deflecting attacks on the existence of the Commerce Department. But he had helped make it into an instrument for growth and job creation, and his efforts had strong support among business and work force constituencies. He had begun the process to put the Commerce Department on the map as a unique American engine to support opportunity and growth in America. He had a great dream for his agency, and I respect that dream very much. I, for one, pledge to him that I am not going to sit here in this body and let it get dismantled.

BARRIERS

I have discussed his innovations at Commerce, but I want to raise an additional subject. Much was said in the aftermath of Ron Brown's tragic death about his role as a bridge builder. I say he was also a barrier breaker. I think sometimes about Chuck Yeager and how he felt piloting his X–1 rocket plane when he first broke the sound barrier. Ron Brown was a great barrier-breaker, too, our first African-American to achieve many things. While Chuck Yeager's courage enabled him to break his barrier, the sound barrier remained and had to be broken again by countless other pilots. Ron Brown's barrier-breaking was different. It also required courage, but he had a way of breaking barriers that began to erase them. He would get through a barrier in his wonderful, excited, buoyant way, and he would make everyone who watched him think, there goes another one, and why didn't we do that long ago? When Ron Brown became Commerce Secretary, many were expecting the President to name an experienced business leader, and were disappointed when he named a friend and politician. Ron Brown's outstanding performance as Commerce Secretary, and the depth of support he built in the business community, was unlike anything any Commerce Secretary has been able to do before. We watched and thought, there he goes through another barrier, the biggest he had ever faced.

In so doing, Ron Brown broke an even bigger barrier. America has been blessed with a long line of outstanding

African-American leaders. Many of those leaders have been seen as leaders of the African-American community. Ron Brown was intensely loyal to his African-American roots, but, like Colin Powell, he was also a national leader, an American leader who was clearly understood, in his great energetic way, to be battling for the well-being of every American.

In his struggle to save the Commerce Department over the last year, Ron Brown often compared the abolition of the Department to unilateral disarmament in the international economic wars of today. In closing, I note that all around our city of Washington are statues of our great military heros. Now we are engaged in a different kind of global conflict: an economic global conflict. If we ever start building statues for those who have served courageously and with great success in this economic battle for the opportunity and the well-being of our people, we ought to erect a statue to Ron Brown as one of the finest of those leaders.●

THE MARK AND GARY BEEF PLEDGE

● Mr. GRASSLEY. Mr. President, cattle producers in my State of Iowa and across the country are facing substantial economic hardship. Record-high grain and feed costs, low hay reserves, drought conditions, and an oversupply of beef are compounding the problem of a 10-year-low cattle market. I am pleased the administration has taken to heart our proposals to assist the sagging cattle market. Allowing haying and grazing on CRP acres is necessary to alleviate the high feed costs and a large beef purchase by the U.S. Government should help turn the tide.

Speaking of helping to turn the tide, a farm broadcasting duo in central Iowa has embarked on a campaign to promote beef consumption in the State of Iowa. Gary Wergin and Mark Pearson of WHO-Radio in Des Moines, IA are calling on their Heartland listeners to take a pledge. As one who proudly and easily accepted their challenge to eat just one more serving of beef a week, I submit ''The Mark and Gary Beef Pledge'' into the CONGRESSIONAL RECORD. By working together, Iowans can make a difference.

The material follows:

THE MARK AND GARY BEEF PLEDGE

I, Chuck Grassley, am a proud consumer of beef be it broiled, roasted or grilled. I respect the efforts of all those, from the farm to the supermarket, who make American beef the safest in the world. At this time of low prices, I can help in the most delightful way . . . by consuming more beef. I therefore pledge to boost my beef consumption by one serving per week, while staying within dietary guidelines.

CHUCK GRASSLEY.●

ORDER OF BUSINESS

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

THE CHOIR FROM KENTUCKY

Mr. FORD. Mr. President, in Appalachia in a community and a county called Harlan, there is a group of young men who now for decades—some have fathers that sang in this choir, and their sons are now singing in this choir. They all donate their time. The director of this choral group donates his time. It is after everything else is done.

They have won international honors without much fanfare, without much publicity. But we know them, and we love them. In 1988, they were here to sing at the inauguration. They sang for the inauguration, the Kentucky Society, the Bullets basketball game, and they kind of took this town by storm. Everybody liked them when they found out about them, like I do.

Mr. President, this group is back in town. They are here visiting Washington again. I know the policy and rules of the committee. I can go only so far. But I want it to be in the RECORD that this group is here, and I want my colleagues to know how important they are to me, and to our State.

So, Mr. President, if any of you see some young men, fine young men, walking around this town, or walking around this Capitol Building—they have on light green T-shirts—I hope that you will walk up to them and thank them for their contribution to something that is real, something that is tangible, and something that is lasting.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1726 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

Mr. BRADLEY. Mr. President, in 10 days it will be Mother's Day. This means something precious to mothers, grandmothers, and expectant mothers in this country. I, along with many others, also think it means something special to the Senate. It is our opportunity to take up and pass the Newborns' and Mothers' Health Protection Act of 1996.

I have several letters with me today. These were addressed to the majority leader and the minority leader of the Senate. Each letter respectfully requests that a date for Senate floor action and a vote on the newborns bill be scheduled as soon as possible. This is what we can do for mothers and their families this Mother's Day.

Let me remind us all of the history of the newborns bill. Last year, many of us began to hear disturbing stories about mothers and babies being forced to leave the hospital too soon after childbirth.

While we can all agree that sometimes it makes good medical sense for mothers and babies to go home quickly, we have to recognize that, tragically, many times it is not good sense. We have been moved and saddened to learn of the deaths of babies and of serious and sometimes lifelong threats to their health and normal development that come from leaving the hospital too soon after childbirth.

Many of us began to hear that the decision about whether or not a mother and her baby should leave the hospital was being made by the wrong people. We began to hear that those who should make this decision, the doctor or the health care practitioner attending the mother and baby, were in fact not making that decision. Instead, the decision forcing a woman to leave the hospital in less than 24 hours after childbirth was being made by a clerk at an insurance company shaving costs and shortening lives.

I think many of us began to realize that this was the moment in a situation just like this when Government should step in to try to provide protection to mothers and babies. We all know the health care environment has changed, and changed with startling speed, over the last couple of years. Such a massive, fast change, even when positive, always creates instability and temporary imbalances. On occasion, it creates a serious problem. This is a serious problem—forcing women out of hospitals after giving childbirth in less than 24 hours.

With this background, Senator KASSEBAUM and I introduced the Newborns' and Mothers' Health Protection Act, S. 969, about a year ago—last June. This is a bill that respects the authority of doctors and other health care practitioners, in consultation with mothers, to make health care decisions about the length of time their patient should stay in the hospital following childbirth. This is a bill that respects the flexibility that health plans need to manage care efficiently in our rapidly changing health care environment.

Mr. President, the newborns act creates what my colleague and cosponsor on this bill, Doctor and Senator FRIST has called a safe haven of time—a safe haven of time for doctors, mothers, and babies, 48 hours minimum for normal childbirth, 96 hours minimum for Cesarean sections. Under this bill, doctors, nurse practitioners, nurse midwives, and nurses will all be free to do their job. Mothers will be relieved of the fear that they may be sent home too early before their babies are stable and they are prepared physically and emotionally. Newborns will be watched

and tested and assisted with their job of adapting to this world.

When it is appropriate for mothers and newborns to go home before the end of a 48-hour period or a 96-hour safe haven, they will go home—if it is appropriate, they will go home. Followup care will be required and studied in greater depth because of the fine amendment that Senator DEWINE of Ohio was able to add.

Please understand that this bill does not require that all mothers stay in the hospital for a specified length of time any more than it requires all mothers to give birth in hospitals. A woman, in consultation with her doctor, may decide to leave the hospital before 48 hours, but in no event can an insurance company require that she leave in less than 48 hours.

Mr. President, April 17, 1996, is an important day for the Senate. The Labor and Human Resources Committee held a markup on the newborns bill and, after careful consideration, the committee members voted overwhelmingly to send the bill to the full Senate.

What I would like to do is return to the letters that are en route to the distinguished Senators from Kansas and South Dakota. One letter makes a bit of history. Six different professional medical groups have all signed the same letter asking for full Senate action in behalf of mothers and newborns. They are the American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the American Nurses Association, the Association of Women's Health, Obstetric and Neonatal Nurses, all joined by the March of Dimes Birth Defects Foundation. All have joined together to say:

As organizations representing health care professionals and advocates committed to quality maternity care, we urge you to schedule for consideration by the full Senate S. 969. We ask you to lend your leadership to guarantee that women and their newborns receive adequate insurance coverage at one of the most important times in their lives.

Mr. President, this is remarkable unity and should inspire us in the Senate to do the same and take action.

A second letter comes from more than 30 cosponsors and supporters of the Newborns' and Mothers' Health Protection Act. This letter says many of the same things:

Let us move on this bill. Newborns and their mothers need it. It is very important. We hope—

The letter goes on to say—

we will be able to inform hundreds of thousands of interested mothers by Mother's Day when this vote will occur.

Several of our women colleagues in the Senate—in fact, all of them—have agreed to sign a third letter. Let me quote a few words from it. It simply says: ''What better Mother's Day gift can we give to new mothers than passing this bill?''

A fourth letter comes from the Center for Patient Advocacy, a nonpartisan organization devoted to quality of care for patients. They write and say much the same thing. They say pass the newborn bill. Pass it so that by Mother's Day we can assure mothers that they will be taken care of.

Finally, I want to mention what I believe are the most important letters and pieces of correspondence of all. Those are from the more than 83,000—83,000 men and women, doctors and nurses, grandparents and families who have written my office alone to support this bill—83,000.

The Baumans in my State of New Jersey, the Drumms of Philadelphia, the Joneses of New York, the Avandoglios of Tennessee, are just a few of the families who have generously shared their personal experience and support for this bill.

The Newborns' and Mothers' Health Protection Act has earned unprecedented, unified, professional support from doctors and prompted many thousands of Americans to write us in support of this bill. The bill has been carefully developed with input from all interested parties on both sides of the aisle and throughout the community. It has passed the wise review of the Labor Committee and passed with flying colors.

Many in the Senate have indicated their support. I hope we will honor the occasion of Mother's Day and the voice of so many Americans by announcing as soon as possible that the Senate will vote on this bill and, in passing this bill, will say to mothers that now we understand that giving birth deserves the respect that the insurance industry has failed to give it in requiring women to leave hospitals in less than 24 hours.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

WELFARE REFORM

Mr. ROTH. Mr. President, it has been 39 months since President Clinton outlined his welfare reform goals to the American people. But he has failed to deliver on his promise. Welfare reform was not enacted in 1993 nor in 1994.

Sixteen months ago, President Clinton declared at a joint session of Congress that, ''Nothing has done more to undermine our sense of common responsibility than our failed welfare system. It rewards welfare over work. It undermines family values.''

As a matter of record, the new Republican Congress passed welfare reform twice in 1995.

H.R. 4, the ''Personal Responsibility and Work Opportunity Act of 1995,'' received bipartisan support in both the House and Senate as it was being drafted. But the President rejected this bipartisan approach. It has now been 16 weeks since he vetoed authentic welfare reform legislation for the second time.

Mr. President, few people have dared to look inside H.R. 4 as it was, after all, a complex bill reflecting a complex welfare system. Today, I would like to recommend a recent article on the Republican welfare proposal. The article describes how the bill incorporates three different conservative approaches to solving the problems which plague our failed welfare system. Let me quote from the conclusion of the article entitled, ''Welfare Fixers.''

What is especially interesting about the three conservative strands of thought about welfare is that despite the theoretical differences among them, together they provide a coherent guide as to how to fix a broken system. As men are not angels, Charles MURRAY's negative incentives have their place. But neither are men brutes, and hence something more is needed than a ''technology'' of behavioral change. As Marvin Olasky reminds us, a rebirth of the spirit of religious charity would change many lives for the better. And as Lawrence Mead reminds us, in a commercial republic such as ours, work is the proper condition for all who are able.

The article goes on to say that:

Indeed, the politicians have seen the big picture in a way that is perhaps not so easy for the lone social thinker to do. The Republican welfare-reform bills in Congress, along with the many state plans being put into effect by Republican governors, make use of Murray's incentives, Olasky's religious charities, and Mead's workfare. If there are theoretical and practical difficulties with each of these approaches, it is precisely the combination that may make conservative welfare reform politically palatable and even, in the end, effective.

Mr. President, you might expect such praise to come out of the Heritage Foundation or the National Review or another prestigious conservative organization. However, this particular article was written by Adam Wolfson, the Executive Editor of the Public Interest and was just published in this month's edition of Commentary.

Republicans understand, and H.R. 4 reflects the reality, that there is not a singular approach to welfare reform. We believe that if families are going to escape from the vicious cycle of dependency, they must be enabled to find their own way out. Welfare reform is not simple because human beings are complex.

The goal of welfare reform for all families to leave welfare.

But the path on how they get there is not necessarily a straight line. Nor, under the Republican approach, must all families follow the same path.

In contrast, this is precisely why Washington will never be able to end welfare as we know it. The bureaucrats in Washington see people only in terms of numbers, not as individuals. In the tradition of scientific management, everything must be reduced to bureaucratic procedures and mathematical equations.

But by vetoing welfare reform, the President ignored the most important number of all. That is, if we do nothing, the number of children on welfare will increase in the coming years.

When he talks about work and family values, President Clinton may talk like a Republican, or at least like a

New Democrat. But he acts like an old bureaucrat by opposing reforms which are not controlled by Washington. By his vetoes, he is protecting the bureaucracy and accepting the status quo in which more children will fall into the trap of dependency.

The causes and cures of poverty involve some of the most intimate acts in human behavior. What many families on welfare need cannot be sent through the mail nor reproduced in the Federal Register.

There is no flaw in admitting that we do not understand how or why individuals will respond to the various incentives and sanctions present in every day life in modern society. The mistake is believing, especially after 30 years of evidence to the contrary, that Washington does know how to apply these incentives and sanctions to the lives of millions of people.

Under the present system, welfare dependency is allowed to become a permanent condition. This is one of the cruelest features of the welfare system because it saps the human spirit.

The true measure of success will be whether the timeless values of work and family life are restored.

Only then while we help free families from the present welfare trap and save future generations from its effects. To do this, we must give the State and local governments all of the tools they need to change the existing welfare system. Different families have different needs.

These tools must include Medicaid, the largest welfare program. For some families, the potential loss of the value of health care coverage locks them into dependency.

Mr. President, I ask unanimous consent to have Adam Wolfson's article, ''Welfare Fixers,'' printed in the RECORD.

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

[From the Commentary, Apr. 1996]

WELFARE FIXERS

(By Adam Wolfson)

In 1982, the journalist Ken Auletta defined the question of the underclass: how do we explain why ''violence, arson, hostility, and welfare dependency rose during a time when unemployment dropped, official racial barriers were lowered, and government assistance to the poor escalated''?

Indeed, government spending on welfare increased from about $33 billion in 1964 to over $300 billion in 1992 (both figures in 1992 dollars). During the Reagan and Bush years alone, total welfare spending rose more than 50 percent. But all the while, rates of poverty, illegitimacy, non-work, crime, and family break-up got worse, not better. From 1965 to 1990, the illegitimacy rate for blacks rose from 28 to 65 percent, and for whites from 4 to 21 percent. Meanwhile, work among the poor plummeted, to the point where today only about 11 percent of poor households are headed by a full-time worker. For many, Aid to Families with Dependent Children (AFDC)—what most of us think of when we speak of welfare—has become a permanent condition, with over 50 percent of its recipients remaining on the rolls for over ten years.

One thing, however, has changed. Since 1935, when AFDC was first created, through President Lyndon Johnson's War on Poverty in the 1960's, to Bill Clinton's 1992 promise to ''end welfare as we know it,'' welfare innovation and welfare reform were pretty much a Democratic affair. That is no longer the case. When conservative Republicans gained control of Congress in 1994, they also assumed a major share of responsibility for the nation's welfare system and those trapped in it.

How do they intend to proceed? As it happens, although most conservatives agree on the permanent need to end welfare as a federal entitlement, there have been three different and, to some extent, rival schools of thought about how to reform the system. All three have been incorporated in the Personal Responsibility and Work Opportunity Act, which formed the basis of the Republican welfare bill that President Clinton eventually vetoed this past January, and also in the many state plans now being put into effect by such Republican governors as Tommy Thompson of Wisconsin and John Engler of Michigan. The three approaches therefore bear scrutiny, for it is no exaggeration to say that the well-being of America's welfare population, and indeed of American society, depends upon the conceptual clarity with which we approach this long-festering problem.

The most influential of the three schools is associated preeminently with the name of Charles Murray, and its guiding premise is that humans respond rationally to economic incentives. It is a tribute to the sheer rhetorical force and intellectual brilliance of Murray's extensive writings that, although conservatives often tend to resist mechanistic views of human nature, they have embraced this analysis almost without reservation. The most important parts of the Republican welfare bill, those dealing with ''personal responsibility,'' are in fact based on Murray's logic. I am referring in particular to those sections which attempt to curb the high rates of family disintegration and out-of-wedlock births by the application of negative economic incentives. Under these provisions, states would be permitted (though not required) to deny cash assistance to children born out of wedlock to teenage mothers, and would also be permitted (though again not required) to deny additional cash assistance to mothers on welfare who continue to have more children.

Why, Senator Daniel P. Moynihan asked in connection with this aspect of the conservative reform effort, should children have to pay for the sins of their fathers (and mothers)? The answer is to be found in certain assumptions that were first spelled out by Murray over a decade ago in his now-classic book, *Losing Ground: American Social Policy 1950–1980*. The crucial passage appears midway through the book:

''It is not necessary to invoke the *Zeitgeist* of the 1960's, or changes in the work ethic, or racial differences, or the complexities of post-industrial economies, in order to explain . . . illegitimacy and welfare dependency. All were results that could have been predicted . . . from the changes that social policy made in the rewards and penalties, carrots and sticks, that govern human behavior. All were *rational responses* to changes in the rules of the game of surviving and getting ahead.'' [Emphasis added]

In other words, according to Murray, the welfare state has provided exactly the wrong incentives to the poor and the underclass by rewarding non-work, family dissolution, and out-of-wed-lock births. It follows that if we change the rules of the game, behavior will change with it. Get rid of the economic supports (e.g., AFDC) that enable poor single mothers to support additional children, and they will eventually either abstain from sex, or use birth control, or (one supposes) have abortions.

There is much to Murray's argument. But implementing it might also entail more than the American people and their representatives are willing to swallow. The key to his rationalist approach is ''the overriding threat, short-term and tangible.'' Here is how he describes the threat in a recent article on reducing illegitimacy:

''A major change in the behavior of young women and the adults in their lives will occur only when the prospect of having a child out of wedlock is once again so immediately, tangibly punishing that it overrides everything else. . . . Such a change will take place only when young people have it drummed into their heads from their earliest memories that having a baby without a husband entails awful consequences.''

Murray relies heavily on a calculus of pleasure and pain in part because, as a libertarian, he sees no other way. Since government ''does not have the right to prescribe how people shall live or to prevent women from having babies,'' it is left with no options for affecting people's lives other than the tax code. But there is also a deeper reason for Murray's reliance on what he labels ''the technology of changing behavior.'' He thinks it the only effective means of training the human animal. Thought he acknowledges the roles of religion and morality in forming people's sensibilities and attitudes, much of the force of these other agencies, he writes, has always been ''underwritten by economics.''

It is perhaps this oddly materialist version of human volition that has led some conservatives to look beyond Murray for solutions to the welfare problem. What if, they ask, gutting the welfare system does not have the desired effect forthwith? It will take a very resolute legislator indeed to go on applying negative incentives for as long as it takes. And even if we concede that negative incentives have their place in any plan of welfare reform, how can we expect young people to aspire to the roles of motherhood and fatherhood unless we offer a more elevated conception of these roles in their own terms?

Interestingly enough, Murray himself wrote the preface to a recent book, Marvin Olasky's *The Tragedy of American Compassion*, which embodies an alternative to the ''technology'' of behavior control. The book's legislative impact has thus far been slight, but its influence can be felt in measures that would authorize states to contract out their welfare services to private religious charities and to churches. Its stamp is also to be found on Republican efforts to restore civil society, like Senator Dan Coats's Project for American Renewal. The book has garnered the endorsements of such heavyweights as William J. Bennett and Newt Gingrich, and later this spring a more policy-oriented sequel will be published by the Free Press under the title *Renewing American Compassion*.

Though Olasky (who teaches at the University of Texas at Austin) agrees with Murray that we should scrap the current welfare system, his analysis of how we got where we are is quite different from Murray's and, correctly understood, leads down different paths. In fact, Olasky turns Murray's thesis on its head. Although he acknowledges the impact of economic incentives on people's behavior, in his view the underlying forces are spiritual and, broadly speaking, religious. Thus, according to Olasky, ''the key change of the 1960's'' was ''not so much new benefit programs [Murray's claim] as a

change in consciousness concerning established ones, with government officials approving and even advocating not only larger payouts but a war on shame.''

To Olasky, American social-welfare policy has always reflected the dominant theology of the day. In the 18th and early 19th centuries, theology emphasized a merciful but just God and a sinful human nature that only God's grace could cure. This produced a hardheaded approach to social policy: aid to the poor was given in kind, but not in cash; charity, understood as ''suffering with'' the needy, was personal and paternalistic; material aid was considered secondary to, and dependent upon, saving souls; aid was for the ''deserving,'' not the ''undeserving,'' poor.

But this Calvinist theology lost out in the late 19th century to a universalistic, liberalized view that ''emphasized God's love but not God's holiness,'' that jettisoned belief in original sin for a Rousseau-like belief in the natural goodness of man, and that essentially secularized a whole range of Christian beliefs. The effects on social policy were dramatic and devastating—and, in Olasky's opinion, completely predictable. The state took over the care of the poor, crowding out private charity. Shame and the work ethic were supplanted by the attitude that the poor have a constitutional right—that is, an entitlement—to welfare. Emphasis shifted from improving the spiritual conditions of the poor to improving their material conditions. As Owen Lovejoy, president of the National Conference of Social Work, put it in 1920, the goal would no longer be private salvation but rather the creation of ''a divine order on earth as it is in heaven.''

Olasky's history describes, in short, a descent, a fall from grace. As a nation, he claims sweepingly, we have been making war not on poverty but on God, and ''the corruption is general.'' Therefore, although he too, like Murray, would tear down the welfare state, he does not expect any sudden alteration in behavior. Rather, he sees in the end of the welfare state an opportunity for private charities, and in particular private religious charities, to take over some of the responsibilities of caring for the poor, especially in the (for him) primary arena of their spiritual needs.

After all, writes Okasky, it was the federal government's entry into the welfare arena that ''crowded out'' private religious charities in the first place. Remove the government, and the charities will come surging back. Yet he is honest enough to admit that the historical record is not entirely clear on this point: which came first, the increasing involvement of professionals and the government in the lives of the poor, or a decline in voluntarism and religiosity? This is a crucial question, for if something in the culture led to a decline in voluntarism prior to the federal government's takeover of welfare, then a simple withdrawal of the latter will not necessarily lead to an increase in the former.

''In the end,'' predicts Okasky, ''not much will be accomplished without a spiritual revival that transforms the everyday advice people give and receive, and the way we lead our lives.'' If that were really so, it would be reasonable to conclude that public-welfare programs should not be scrapped at all, but rather kept in place until the hoped-for spiritual revival occurs, lest the poor be left without God and without material support at once. Be that as it may, however, there is much else in Olasky's thinking, particularly about the role of private ''compassion,'' that reformers can make use of in the months and years to come.

This brings us to the third current. Unlike the first two, both of which see big government as the principal culprit in the welfare mess, this one envisions a role for government in its solution.

Perhaps the principal figure here is Lawrence Mead of New York University. In his book, *The New Politics of Poverty*, Mead argues, against Murray, that the marginal economic disincentives created by welfare do not explain the really staggering extent of non-work and family dissolution in the welfare population. Moreover, having a baby out of wedlock in order to receive a welfare check is not really ''rational,'' in Mead's judgment. Rather, this and other aspects of the behavior of the underclass are the results of a certain personality profile. The nonworking poor, says Mead, are defeatist, passive, and psychologically resistant to taking low-skilled jobs. A ''culture of poverty'' exists that cannot be fully explained by the rationalist model.

What to do? The answer, according to Mead, is workfare, an approach that would require able-bodied recipients of welfare to enter the labor market. By forcing the poor to be like the rest of us, workfare seeks to manage and even (in the words of Congressman Bill Archer) to ''transform'' them.

The thinking of Mead and others who favor workfare—Mickey Kaus of the *New Republic* is another well-known proponent of such schemes—is evident in the various versions of the Republican welfare-reform bill. All include the basic requirement that for any aid poor people receive from the government, they must work, in the private sphere if possible but in the public sector if not. According to the bill, 50 percent of welfare recipients must be working by 2002; even single mothers with children (over the age of one) should be required to work; and families receiving benefits will be cut off after five years.

Mead argues that workfare represents, in effect, a ''new paternalism,'' a ''tutelary regime.'' And indeed his ideas have alarmed more than a few conservatives, especially those of a libertarian bent. Many believe that any attempt by the government to mold behavior, even that of the poor, marks a break from the American tradition of limited government. Such fears are in Mead's view well-founded. But the appearance of the contemporary underclass itself marks, he believes, a watershed development in our national life, if not ''the end . . . of an entire political tradition.'' That tradition—the tradition of the Founders, and of such classical liberals as Hobbes, Locke, and Montesquieu—''took self-reliance for granted.'' It assumes that people are, by nature, rational maximizers of their economic interests. But now it appears that many are not; and so a ''new tradition,'' a ''new political theory,'' even a ''new political language'' is needed.

All this seems somewhat overheated. For some reason, many of those who propose work as a solution to the welfare problem cannot resist militaristic metaphors. (Thus Mickey Kaus, in *The End of Equality*, urges Americans to build a ''Work Ethic State.'') But we need not really move beyond our own liberal tradition in order to enforce the norm of work. The Founders themselves recognized that humans are frequently irrational, indeed even lazy. And Adam Smith, the classical liberal *par excellence*, was not mincing words when he observed that among the ''inferior ranks'' of society there was a surfeit of ''gross ignorance and stupidity.'' Rather than positing rational self-interest as a universal human trait, Smith and other classical liberals thought that through persuasion and law, it would be possible to turn men away from their former pursuits of military glory and religious enthusiasm toward ''small savings and small gains.'' A little bit of workfare for those still unmindful of their economic self-interest thus need hardly spell the end of the American political tradition.

What is especially interesting about the three conservative strands of thought about welfare is that despite the theoretical differences among them, together they provide a coherent guide as to how to fix a broken system. As men are not angels, Charles Murray's negative incentives have their place. But neither are men brutes, and hence something more is needed than a ''technology'' of behavioral change. As Marvin Olasky reminds us, a rebirth of the spirit of religious charity would change many lives for the better. And as Lawrence Mead reminds us, in a commercial republic such as ours, work is the proper condition for all who are able.

Indeed, the politicians have seen the big picture in a way that this perhaps not so easy for the lone social thinker to do. The Republican welfare-reform bills in Congress, along with the many state plans being put into effect by Republican governors, makes use of Murray's incentives, Olasky's religious charities, and Mead's workfare. If there are theoretical and practical difficulties with each of these approaches, it is precisely the combination that may make conservative welfare reform politically palatable and even, in the end, effective.

CONSERVATION AND GRAZING

Mr. ROTH. Mr. President, I rise today to express my strong opposition to President Clinton's actions to open our conservation reserve lands to cattle grazing. As someone who is concerned about the environment, I am disappointed by his decision.

The conservation program pays ranchers to take ecologically fragile land out of grazing.

It has been a very successful program and has put away some 36 million acres away as a nature preserve. By removing these acres of land from cattle grazing and creating areas of undisturbed vegetative cover, the program has created habitat for many types of wildlife across the Great Plains and the Midwest, including waterfowl, pheasants, prairie grouse, raptors, and migratory songbirds. These species need undisturbed cover to nest and raise young successfully.

But good green grass is hard to come by. The price of feed is up and the price of cattle is down. For some, the solution to higher beef prices may be to open up restricted land to grazing.

But as Richard Cohen quickly pointed out in today's Washington Post, ''First the oil reserves, then the conservation reserves and next—maybe—the Federal Reserve.''

In the name of environmental protection, this Congress fought off any attempts to allow grazing on ecologically sensitive land.

In fact, in last month's farm bill we provided significant funding for the Conservation Reserve Program and made sure that wildlife habitat was a primary objective of the reserve program.

By opening all 36 million CRP acres nationwide to grazing and haying with few constraints and little apparent consideration for the scope of the emergency, the Clinton administration has eliminated much of the wildlife value of the Conservation Program.

In the Great Plains, it is now nesting season, and if cattle are allowed on the land, ducks and grassland songbirds are going to get trampled.

Grass is growing where it has not grown in years and species that were once threatened are making a comeback. Unfortunately, President Clinton's action probably has negated all that progress this year.

I am also disappointed that the Clinton administration made this decision without consulting the environmental and sportsmen communities. The conservation community, the Agriculture Department, even the environmentalist were surprised, and, frankly, I am surprised.

I keep asking myself how can someone who calls himself an environmentalist justify opening up some of our most fragile and protected areas to cattle grazing?

I believe that President Clinton's actions directly contradicts the belief that the Clinton administration truly cares about the environment.

This situation demonstrates that, once again, the interests of sportsmen, conservationists, and the public still rank far below those of subsidized commodity agriculture.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post article to which I earlier referred.

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

POLITICS, PRICES

(By Richard Cohen)

What's the most dangerous place in the world? Bosnia? Liberia? Chechnya? Anywhere in Montana? No. The answer is any place between Bill Clinton and reelection. It is a no-man's land where principle is sacrificed to politics and consistency is given scant regard. That explains why the administration moved this week to sell federal oil reserves and open restricted lands to cattle grazing. It wants to lower the price of gas and raise the price of beef.

The average voter, which is to say me, is confused. If I drive a little less but eat more meat, will that balance out? If I drive a lot less and eat more steak, will that be better for the country? If I drive down to see Alan Greenspan, will I get even richer? After all, I sense a pattern: First the oil reserves, then the conservation reserves and next—maybe—the Federal Reserve. Will Uncle Sam be giving away money?

Silly me, it already has. The federal government paid an average of $27 a barrel for the 587 million barrels of oil now in storage. Since Alaskan crude, the oil that most approximates what Uncle Sam has in the cellar, is now selling at about $20 a barrel, you don't have to be a regular Laura D'Andrea Tyson to figure out that you would be taking a $7 loss on each barrel. Since the government plans to sell 12 million barrels, that amounts to an anti-profit (I thought I'd coin yet another stupid economic term) of $84 million. I'd say offhand that the per-capita cost to the average American is anyone's guess.

But it is not anyone's guess that Clinton is pursuing a political, not economic, agenda. The price of gas became a problem only when the networks started reporting on the story and Bob Dole recommended repealing a 4.3-cent gas tax increase that Clinton pushed through Congress in 1993. With that, the White House rolled out its Big Bertha fax machines and bombarded Washington with press releases noting that Dole, in his reckless youth, had at one time supported a gas tax increase. Next, the president announced he would sell federal oil to drive down the price at the pump. But check the pump. Nothing's happened.

And nothing much will. Despite some Capitol Hill sound bites to the contrary, the price of gas has increased for sound economic reasons. The conspiracy to which some politicians allude happens to include consumers who are driving faster in heavier cars, a brutal winter and a miscalculation on the availability of Iraqi oil. Prices will go down eventually—but not, probably, before they go up some more.

In a sense, Clinton's response to Dole has been truly impressive. As an exercise in cynical politics, it's a masterpiece—a regular Mona Lisa or, if you will, a Jackie Kennedy bauble. Opening up restricted grazing land is a different story altogether. This is an appalling tale in which, for a few votes, a conservation program has been endangered without much thought at all.

The program in question pays ranchers to take ecologically fragile land out of grazing. In this way, some 36 million acres (about the size of Iowa) has become a sort of nature preserve. But the Great Plains are parched, and good grazing land is hard to come by. As a result, the price of feed is up and the price of cattle is down. (Ranchers have been selling off their herds.) Understandably, ranchers have been eyeing the acres in the Conservation Reserve Program. The grass there is tall—yummy for cattle.

But that land is also good for birds, and ducks. Now is the nesting season, and if cattle are allowed on the land, a lot of eggs and ducklings are going to get trampled. The program is hardly perfect—too much acreage in some areas, not enough in others—nor is it cheap. (Over a 10-year period, the average payment has been a total of $52,800 for 97 acres.) But grass is now growing where it has not grown in years.

Maybe, after due deliberation, opening the land was the best way to go. But there was no deliberation, due or otherwise. The conservation community, even Department of Agriculture officials, was taken by surprise at how fast this decision was made. Clinton would barbecue Smokey the Bear to win reelection.

The administration is at odds with itself. If everything works as planned, you could drive to McDonald's for less—and pay more for a burger when you get there. The one consistency is the fervid White House desire to put politics above everything else. In that area, it has shown true leadership.

Mr. ROTH. I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

Mr. ROCKEFELLER. Mr. President, I want to follow on the comments that were made by Senator BRADLEY with respect to the Newborns' and Mothers' Health Protection Act of 1996. I think it is an absolutely classic example of what it is the American people do expect us to do in Congress and what they would like us to take on. It is a very real problem. As he indicated, they are very real families, very real people and they are in this situation, very helpless.

I also join Senator BRADLEY in urging the majority leader, Senator DOLE, to bring this bill to the floor as soon as possible. It did pass Labor and Human Resources by 14 to 2. That is not a close vote. That is virtually a unanimous vote. We are approaching Mother's Day. It would be nice to have this bill debated at that time.

The legislation is absolutely vital in the turmoil which is now our health care system. It shifts the decisionmaking power of when a mother and her baby would be leaving a hospital, discharged home, so to speak, from an insurance company or an HMO, which has interesting missions in all of this, and then send it back to the doctor and to the patient. That is, the decision when to leave. That is why I signed on to this bill and became a cosponsor very, very early.

Many large insurers are refusing to pay for more than 24 hours of maternity care. I do not know where managed care is going to take this country. I can tell you this, I am extremely worried about it, and I am even more worried about for-profit HMOs and managed care. Some HMOs even require discharge within 8 hours of delivery. I cannot imagine such a thing. I am sure that can happen from time to time, but I just cannot imagine that happening very often.

These quick discharge practices can, in fact, enormously endanger the life of the mother and endanger greatly the life of the child. Newborns are prone to problems such as dehydration. They are prone to problems like jaundice that are not even detectable until they have been alive for 24 hours. So, by definition, how are doctors going to be able to determine infants' condition if they are already at home?

New mothers are themselves very susceptible to pelvic infections, to breast infections. A new mom may be, probably is in most cases, too fatigued, just too tired, has been through too much in the delivery to properly care for an infant 24 hours after a normal but nonetheless exhausting delivery problem or experience.

Quick discharges can result in devastating medical consequences, in devastating human consequences and, yes, they can result, and have resulted, in death, because new mothers and fathers are sometimes unable to detect these early symptoms of potentially life-threatening conditions. This is not ideological talk, this is medical talk.

Right now, insurance companies start the 24-hour clock, or even the 8-hour clock or the 12-hour clock ticking the minute the child is born. The minute the child emerges, the minute of the first cry, the clock begins.

The insurance companies do not distinguish between those mothers who

have had a 2-hour birth and a mother who has been through 12 hours or 18 hours and had an extremely painful, exhausting, debilitating birth. They make no distinction whatsoever between the two; just out of here in 24 hours.

Their rules do not distinguish between an experienced mother, a mother perhaps having her third or fourth child with a father or a grandmother at home ready to help, ready to help the mother, ready to help the child, on the one hand, and then on the other hand, a 16-year-old teenage mother with an exhausting birth process who is discharged after virtually no time. A teenage mother, who is terrified at the prospect and has no idea of how to care for a healthy baby, much less a baby showing some kinds of symptoms which that 16-year-old teenage mother cannot understand. It makes no difference to the insurance company. The circumstances make no difference: 24 hours, they must all be discharged from the hospital, period.

How do we get here? I mean, this is the great debate. The Clinton health care bill did not pass, I understand that. It tried to bite off too much, I understand that. The free market is working, I understand that, but there are some very dangerous things going on. Some of the most unhappy people in America right now, and the ones most worried about quality of care, are physicians.

Judith Bowman is a first-time mom from Fairmont, WV. She recently experienced one of these speedy discharges. She wrote to me:

''I was surprised by the almost drive-thru like approach put on bringing a precious new life into the world. The information concerning the baby and personal follow up care comes fast.''

''I was,'' she said, ''exhausted. I couldn't understand it all. It was new to me. I couldn't take it all in. I was still recovering from the birth experience.''

''The total length of my stay after delivery was approximately 20 hours.''

Mr. President, in concluding, I say that one would hope that the Congress would not need to legislate on this kind of matter. I mean, to be quite honest with you, I think it is rather shocking. It is the kind of thing that you think that the private sector would pick up immediately at the first sense of difficulties and simply stop. But, no—insurance companies are motivated by other things.

I would think that we could trust insurance companies to do the right thing on an individual case-by-case basis. What is so strange about that? What is so radical about that? To let doctors make patient-care decisions without concern of financial or other penalties being imposed on them.

Of course, what I am saying is, if doctors who belong to HMOs want to keep the mother more than 24 hours, they may be threatened, saying, ''You either start discharging after 24 hours or you're off our payroll.'' Do not think for a moment that is not happening. It is scary. It is scary.

So this bill would require insurers to pay for a 48-hour stay following an uncomplicated vaginal delivery and 96 hours for an uncomplicated Caesarean section. The bill permits, as Senator BRADLEY said, shorter stays. But, again, it puts the decision in the hands of the physician of the mother to decide if that is appropriate. That is who should make this critical decision, not an insurance company driven by other considerations, including those of their stockholders.

Mr. President, I conclude my remarks simply by thanking Senator BRADLEY and Senator KASSEBAUM for leading this effort. I again hope we will be able to take this matter up somewhere around Mother's Day. I thank the Chair, and I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

GAS TAX REPEAL

Mr. PELL. Mr. President, I believe that we should not have a roll-back of the 4.3-cent-a-gallon gasoline tax. Actually, retention of this tax is the sensible, national interest course to follow as we struggle to reduce the deficit. I fear that, like Sisyphus in Hades, we are doomed forever to roll the heavy stone of the deficit uphill, only to have it always roll down again, weighted down by yet another quick-fix tax cut.

In our effort to reduce the deficit, we grapple daily with the stark reality that funds for education, the environment, Medicare, and the earned income tax credit, are all being scaled back. And now, a clarion call to lower the gas tax is being heard. Repealing the gas tax is projected to save the average motorist the grand total of about $27 a year in taxes. Note too, there is no certainty that the oil companies will actually pass this rebate on to the consumer. The effect of this gesture is to reduce revenues by $4.8 billion, thereby making it all the more difficult to reduce the Federal deficit.

While I recognize that higher gas prices effectively reduce the take home pay of commuters and those whose daily livelihood depends upon the availability of low priced fuel, gasoline in the United States has become one of the ''great bargains of the Western world'' to quote Daniel Yergin in today's New York Times. Over the last few years, prices, adjusted for inflation, have been as low as at any time since World War II. The price of about $1.30 a gallon is exquisitely cheap when compared with the almost $5 a gallon paid in France.

Rather than providing a potentially illusory benefit of $27 per motorist, I suggest we concentrate on those issues having a far more profound impact on the lives of working Americans. We have yet to satisfactorily grapple with proposals to increase the minimum wage, the projected shortfall in Medicare funds in 2001, and the fact that our education programs are such that the mathematics scores of some of our students, particularly in the Southeast region, continue to be lamentably low. Repealing the gasoline tax is the last thing we should think of doing—and we should quickly reject the idea.

WELCOMING U.S. DECISION TO PARTICIPATE IN EXPO '98 IN LISBON

Mr. PELL. Mr. President, on another matter, last month, the White House announced that it has accepted an invitation from the Portuguese Government to participate in the international exposition to be held in Lisbon in 1998. This is good news indeed. I commend President Clinton for this decision.

I have long encouraged the administration to take this step. Last year, I sponsored a resolution calling for U.S. participation in Expo '98. In March of this year, I visited the site of the expo while in Lisbon for President Sampaio's inauguration. During my visit, I took the opportunity to learn in detail the goals and themes of the expo from Antonio Cardoso Cunha, commissioner-general and chairman of Expo '98.

Earlier this week, we welcomed Portuguese Foreign Minister Jaime Gama to Washington. Accordingly, I believe it is a particular appropriate time to bring Expo '98 to the attention of my colleagues and to express my enthusiasm for working with our Portuguese allies on this important project.

The theme of Expo '98 appropriately, will be ''The Oceans, a Heritage for the Future'' and will focus on environmental topics. As the resident of a coastal State which shares with Portugal a rich maritime tradition, I cannot imagine a more appropriate or more unifying theme. The U.N. General Assembly has declared 1998 as the International Year of the Ocean in an effort to alert the world to the need to improve the physical and cultural assets of the world's oceans. A fundamental goal of Expo '98 will be to focus on the growing importance of the world's oceans and to foster a debate on the sustainable use of marine resources and environmental protection. The United States, of course, has a vested interest in being part of this debate.

Our participation in this exposition, which marks the 500th anniversary of the historic voyage from Europe to India of the Portuguese explorer Vasco da Gama, should be a source of pride for those of Portuguese heritage, as well as a source of great interest for all those with a concern for the oceans and a sense of history. Portugal, of course, has a great history of sea exploration, and in fact, helped to create important trade links between the peoples of Europe, the Americas, Africa, and Asia. Lisbon, the capital of Portugal since the 12th century, is a vibrant cultural

and economic center, and its location on the Atlantic makes it a fine choice for an expo focused on the sea.

Expo '98 offers opportunities for U.S. business as well. The organizers of Expo '98 will provide all facilities relating to each national pavilion free of charge. Accordingly, participating countries will have to provide only the contents of its representation. The U.S. exhibit will be financed completely by the private sector. Such an arrangement is a win-win situation—for the U.S. Government and for U.S. businesses which may be able to receive increased international exposure through their participation. I am hopeful that a commissioner general who will be responsible for coordinating the U.S. effort and for securing corporate sponsorships will soon be appointed so that we can move ahead quickly.

I add also, having it this year brings attention to the Law of the Sea Treaty, which needs to be acted upon.

I remember myself in 1940 seeing the last time we had a world exhibition in Lisbon and seeing the amount of the world's surface that was under Portuguese rule. On a personal note, I remember attending an exhibition in 1940 while visiting my father who was posted as the U.S. Minister to Lisbon. At that time, I attended the Exhibition of the Portuguese World, which focused on the contributions of Portugal's far flung colonies. Lisbon was a wonderful site, and the Portuguese people were perfect hosts for such an exhibition. With such a firm tradition of hospitality already well established, I know that Portugal will prove the ideal choice for hosting the 1998 expo.

I am pleased that the United States sill be joining dozens of other countries—including Germany, Greece, the United Kingdom, Morocco, India, Pakistan, and Cape Verde—to name a few—in participating in the last expo of this century. As a long-time friend of Portugal and the Portuguese people, I look forward to working together to make Expo '98 a success. I yield the floor.

RIGHT TO DIE DECISIONS

Mr. DOLE. Mr. President, one of the most profound and sensitive issues facing our society today is whether doctors should be allowed to assist in the suicide of their patients.

On this issue, I happen to share the view of the American Medical Association that doctors who are sworn to be life-givers, should not act as life-takers, and that the licensing of doctors to administer death is ''fundamentally inconsistent with the pledge physicians make to devote themselves to healing and to life.''

I recognize that there are those who do not share this point of view. But the process we use to work out such disagreements and come to a social consensus is called democracy. I will vigorously defend the right of every fellow citizen to disagree with me, but I will also defend the constitutional process by which our laws are made. The people, through their elected Representatives, should be the ones to decide whether to permit or to prohibit physician-assisted suicide. It is a give and take of meaningful public debate that enables our democratic society to examine complicated social issues and, hopefully, reach a consensus that enjoys broad popular support.

In recent weeks, however, two influential Federal courts—the ninth circuit of appeals on the west coast and the second circuit court of appeals on the east coast—have determined that the U.S. Constitution flatly prohibits the States from outlawing physician-assisted suicide.

The ninth circuit ruled that individuals have a liberty interest in controlling the time and manner of our deaths and that a Washington State law prohibiting assisted suicide was, therefore, a violation of the due process clause of the 14th amendment. In a more narrowly drawn opinion, the second circuit declared that a similar New York State law outlawing physician-assisted suicide violates the 14th amendment's equal protection clause. In fact, I think in the Washington case it was due process; also the liberty clause.

These decisions, like others in recent years, have the unfortunate effect of substituting the judgment of unelected Federal judges for the democratic process. If the ninth circuit's decision purporting to find a fundamental right to physician-assisted suicide is upheld by the Supreme Court, then all meaningful public debate on this issue would effectively be cut off. All of the moral and ethical concerns on both sides would, with a single stroke, be replaced with a judicial fiat. The only citizens whose voices matter in such a decision would be the judges themselves. As columnist Charles Krauthamer writes: ''Not a single country in the world (save Holland) permits doctors to help patients kill themselves. Now judges have declared that America will be such a country, indeed that the Constitution demands that America be such a country.''

I yield to no one in my respect for the role of the judiciary in preserving our fundamental liberties. On occasion, judges may even be required to strike down a legislative act because it clearly conflicts with fundamental freedoms and guarantees of equal protection set forth in our Constitution. This is part of the genius of our system, the fundamental check on the legislative and executive branches created by the Framers of the Constitution.

But what would the Framers say of these decisions or others like these? Does anyone doubt that they would be astonished to learn that the Constitution prohibits the people from prohibiting physicians from administering death? At some point, the legal arguments advanced by our judges to strike down an otherwise valid legislative act must be examined in the light of common sense.

In creating a new constitutional right to kill oneself with a physician's help, the unelected members of the ninth circuit, judges appointed by both Democratic and Republican Presidents, have taken it upon themselves to deny millions of their fellow citizens the opportunity to address this sensitive and morally charged issue through the democratic process. That is the denial of a fundamental right that would have made the Framers shake with anger. They did not fight so hard to win and preserve the freedom of self-government simply to abandon that freedom to unelected judges.

As one judge who dissented from the ninth circuit's decision observed: ''That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials could decide trivia, while all the great questions would be decided by the judiciary.''

In recent days, I have highlighted the enormously influential role that judges play in the daily lives of the American people. Today, Federal judges micromanage hospitals, schools, police and fire departments, even prisons. Federal judges have unilaterally raised property taxes, and now they have struck down popularly enacted laws on the theory that physician-assisted suicide is no less than a right guaranteed by the Constitution.

The Constitution is a precious legacy. It was precious when it emerged as that ''miracle in Philadelphia.'' Americans of all generations have made it more precious by fighting an dying to defend it. These sacrifices were not made so that Federal judges with life tenure could warp the meaning of the Constitution to fit their own political agenda or personal beliefs. When that happens, judicial review becomes an expression of tyranny, no longer the guarantee of liberty intended by the Framers.

On the admittedly difficult issue of physician-assisted suicide, I am prepared to trust the American people. The American people, not a small group of unelected judges seeking to dispense their own superior moral wisdom, should be the ones deciding whether assisted suicide is consistent with the values our great country does, and should represent.

Mr. President, I ask unanimous consent that opinion pieces by Charles Krauthamer and E.J. Dionne be printed in the RECORD.

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

[From the Washington Post, Apr. 12, 1996]

DECIDING ON LIFE OR DEATH

(By Charles Krauthammer)

In the most morally laden judicial decision since Roe v. Wade, two U.S. appeals courts (for the 2nd and 9th circuits) have within the last five weeks struck down as unconstitutional laws banning physician-assisted suicide. Two issues are at stake here: (1) Should physician-assisted suicide be permitted? And

(2) should judges be deciding the issue? The first is a difficult question. The second is not.

In this column and elsewhere, I have argued that permitting doctors to kill their patients is a bad idea, however compassionate the motives, principally because the erosion of the taboo against physician-assisted suicide will inevitably lead to abuses. But whatever my private view and whatever the private view of the robed eminences of the 2nd and 9th circuits, is this not an issue that a democratic people ought to decide themselves?

Have these judges learned nothing from Roe v. Wade? The United States is the only country in the Western world that has legalized abortion not by popular vote or legislative action but by judicial fiat. The result has been 25 years of social and political turmoil.

Having disenfranchised a democratic people on one of the fundamental moral issues of our time, the courts are now bent on doing it again. Not a single country in the world (save Holland) permits doctors to help patients kill themselves. Now judges have decreed that America will be such a country, indeed that the Constitution demands that America be such a country.

It is not as if the people have neglected the issue. Since 1991, three states have held referenda on the question. California and Washington voted narrowly to retain the ban, Oregon voted even more narrowly to lift it.

Well, they can forget their votes. Judge Stephen Reinhardt and the 9th Circuit Court in San Francisco have decided the issue for them. Congratulating his own steely self-discipline, Reinhardt writes: ''We must strive to resist the natural judicial impulse to limit our vision to that which can plainly be observed on the face of the document before us,'' meaning the Constitution. And resist he does, heroically. In a manifesto longer than the Unabomber's, Reinhardt embraces a ''dynamism of constitutional interpretation'' and proclaims a constitutional ''right to die'' lodged, lo, undiscovered all these years right under our noses in the ''liberty interest'' of the Due Process Clause of the 14th Amendment.

(Question: If the liberty interest mandates permitting assisted suicide, how can one justify the current drug laws? If the state may not impinge on your liberty to make yourself dead, how can it impinge your liberty to make yourself high?)

The prize for judicial presumption, however, goes to Judge Guido Calabresi of the 2nd Circuit in New York for his opinion concurring that current laws banning assisted suicide must be thrown out but for a different—and revealing—rationale: They must go because they are obsolete. They were originally enacted at a time when suicide was either a crime or considered a ''grave public wrong.'' Now that suicide is considered neither, he says, the assisted suicide laws make no sense. Calabresi grants that the Constitution and its history do not clearly render these statutes invalid. But that deters him not a bit. He would throw them out anyway until the New York legislature comes up with new assisted-suicide laws sporting more modern rationales.

Are democratically enacted laws to be stricken until a new moral exegesis can be cooked up to satisfy a judge's personal ethics? Judges rule on the constitutionally of laws, not their currency.

Calabresi presumes that the people of New York retain their prohibition against physician-assisted suicide out of absent-mindedness. Yet he himself notes that in 1994 a task force of doctors, bioethicists and religious leaders organized at the request of Gov. Mario Cuomo concluded (unanimously, mind you) that the laws against physician-assisted suicide should be retained. Yet Calabresi carriers on as if no one other than he has bent his mind to the problem.

Calabresi is a Clinton appointee. Judge Roger Miner, who wrote the 2nd Circuit's majority opinion, was appointed by Reagan. The 9th Circuit majority (1 Kennedy, 5 Carter, 2 Reagan appointees) is similarly ecumenical. Which proves that judicial imperialism is a bipartisan occupational disease.

Is it too much to hope that the Supreme Court will put a stop to it? It would do a great service to the democratic character of this country by reviewing these opinions, overturning them and remonstrating against the breathtaking arrogance of these imperial judges. It might begin by quoting from the dissent of the 9th Circuit's Andrew Kleinfeld: ''That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials would decide trivia, while all great questions would be decided by the judiciary.''

[From the International Herald Tribune, Apr. 16, 1996]

ON DYING IN AMERICA: A QUIET REVOLUTION

(By E.J. Dionne, Jr.)

WASHINGTON. Thanks to two court decisions, the people of the United States are hurtling down a road they did not choose and have grave doubts about pursuing. The decisions, by the 9th U.S. Circuit Court of Appeals on the West Coast and the 2d Circuit on the East Coast, abruptly struck down laws prohibiting doctor-assisted suicide.

It all happened without a full national debate, without any consultation of patients or doctors. These judges decided there ought not be a national dialogue on what is one of the most difficult ethical, moral and practical decisions confronting modern medicine. They were sure they knew better than the rest of us.

What needs to be recognized is that this is not some small legal step. These decisions, if kept in force, will revolutionize the way we Americans think about dying. They will hugely increase the pressures on the very ill to agree to kill themselves, utterly transform the relationship between doctors and patients and create gaping loopholes for abuse.

It is especially chilling that these decisions come up as the country is moving rapidly into managed-care health plans where all the incentives are to cut costs. What easier way to cut costs than to create subtle pressures on patients to kill themselves? Of course there is no managed-care plan out there that would ever do such a thing consciously—one hopes so, anyway. But as medical care for the very ill becomes more and more expensive, it is naive to pretend that such pressures will never arise.

That is why those who call themselves liberal should not rush to the cause of assisted suicide just because the battle flag of ''a liberty interest'' has been raised. One of the most badly needed protections in America's increasingly complicated health system is to insulate individuals from bureaucratic pressures when they make the hardest decisions of their lives.

Many doctors vigorously oppose assisted suicide precisely because they want their own missions to remain clear and unequivocal. The American Medical Association worries that assisted suicide is ''fundamentally incompatible with the physician's role as healer and care-giver.'' Medicine is, as the medical ethicist Leon Kass put it, ''an inherently ethical activity.'' The doctors we admire most are those who keep their ethical obligations in the forefront. We ought not transform their ethical role without debating what such a change would mean. This choice cannot be thrust upon us, of a sudden, by courts claiming higher ethical wisdom.

The confusion created when judges decide this issue by fiat is illustrated by the fact that the two courts reached their decisions for entirely different constitutional reasons. The 2d Circuit judges said laws against assisted suicide violated the 14th Amendment's equal protection clause, since the law permits one class of people to end their lives by withdrawing treatment but requires another class to stay alive because it denies them suicide.

This gives the concept of ''equal protection'' a chilling twist. It is a terrible leap to declare that withdrawing support is exactly the same as helping a patient commit suicide. In the first case, we are acknowledging that great medical advances permit us to trump nature and keep people alive long after they would otherwise have died. In the second, we are taking active measures to kill people. Surely this is not a line we should erase casually.

The 9th Circuit, on the other hand, relies on the liberty protections of the 14th Amendment. ''At the heart of liberty is the right to define one's concept of existence, of meaning, of the universe and of the mystery of human life,'' wrote Judge Stephen Reinhardt. Well, sure, But what is at stake here is the relationship of the individual to the medical system. What needs arguing is whether liberty will actually be enhanced by giving doctors Q and hospitals and HMOs Q new powers over life and death.

One cannot escape the suspicion that we have here an outcome in search of a rationale. The goal is to legalize assisted suicide and the judges rummage around for constitutional language to justify the goal.

This is no easy issue. Modern medicine can keep people alive far longer now than in the past. It's fair to debate if more people may now suffer more pain in the last stages of life, and what that should mean for the practices of medicine. But the courts should not decide this for us.

TRAVELGATE

Mr. GRASSLEY. Mr. President, today I read a story in the Washington Times that ought to absolutely outrage every Member of this body. It should also outrage the American people. The article is entitled ''Democrats Stymie Effort to Pay Travelgate Legal Fees.'' It is written by Mr. Paul Bedard.

The story is about how Democrat Senators are secretly trying to pull the plug on a Republican bill to pay legal fees for this person. The bill would help undo some of the damage that the Clinton White House perpetrated against seven innocent employees of the White House travel office. Mr. Billy Dale was the head of that office. He is the most prominent of the seven and the most harassed by the White House. The bill would restore only a small part of the economic damage done to these citizens and their families. It would simply pay their legal fees. It would do little or nothing to restore their reputations, their dignity, their psychological trauma, or their faith in their Government, especially in this White House.

Now, to make matters worse, Mr. President, the Democrats want to take

away their legal fees, too. This, of course, is adding insult to injury. By their putting a stop to this bill, the Democrats would deprive these seven of legal fees, even after it has been shown that the seven should not have been targets of the Clintons in the first place.

These seven innocent—let me repeat, innocent—workers were given their walking papers so a Clinton family member and a rich Hollywood crony and a Clinton contributor could reap spoils for themselves. The seven became unjust targets of the enormous power of the Federal Government. Their rights were trampled all over.

Why should our Democrat colleagues be trying to secretly kill the legal fees for the Travelgate seven? Here is what Mr. Bedard of the Washington Times says: ''A Senate leadership official said Democrats hope to kill the aid for Mr. Dale in order to save the President the embarrassment of having to sign it.''

Mr. President, that is no justification whatever. If that is the justification, then that explains why this effort is being done in the secrecy of the back room. First, the President fails to take responsibility for his actions. He points the finger and blames the firings of the Travelgate seven on others. Now it appears that his lieutenants do his bidding to stop the legal fee bill, once again failing to take responsibility as a President of the United States for his own actions.

This is precisely why I have often repeated on this floor my observation that there is an absence of moral leadership coming from this White House. If there was ever an appropriate illustration of what I am talking about, this clandestine maneuvering on the Travelgate bill is it. If all of this is true, these Senators are doing the President of the United States a disservice, as well as Mr. Dale, and the President would best show some leadership by standing up and saying he wants no part of this effort to harass these citizens any longer.

In the Travelgate case, the President and First Lady already have been accused of coverup, damage control, stonewalling, a failure of moral leadership, cronyism, nepotism and, most importantly, a breach of public trust.

Why should these Senators, whom I assume are allies of the President, want to add to this list of accusations legislative as well?

It is all right for the President of the United States to create a fund and have his own legal fees paid by lobbyists, cronies, and high rollers. But if the average ''Joe Citizen'' wants and deserves to be made whole in the face of Federal harassment, he gets, as Mr. Dale has found, the plug pulled on him secretly behind closed doors.

I submit that the harassment of Billy Dale by the Democrats continues. First, it was the Clinton White House doing it to Mr. Dale. Then it was the FBI and the Federal prosecutors. Now it is friends of the President in the U.S. Senate. It seems like everybody in Government is in a league together to frustrate an attempt to help make Mr. Dale whole—at least economically. There is no way you are going to help him with all these other problems he has.

I will urge our leaders—meaning our Republican leaders in this body—to lift up this rock to the light of day and see who scurries away from the refuge of secrecy, closed doors, and the dark. I will urge that a full public debate be allowed on this bill, followed by a recorded vote instead of a voice vote. Let those who are doing their work behind the scenes face the American people and make their case in public.

This is a fairly outrageous position for anybody to take, particularly since the President is trying to get his legal bills paid by donations from his friends. Now, this is outrageous. I have not seen a whole lot like it in the 15 years I have been here. This is not a debate about corporate or trade associations or labor organizations or large grassroots organizations; this is a debate about doing justice for just one person—a man who was wrongly accused and harassed by our Federal Government.

Mr. President, in a sense, this is a debate about our moral leaders in the White House. Mr. Dale and his family have been left financially, emotionally, and psychologically drained. Since a Federal jury acquitted Mr. Dale after all of 2 hours of deliberations, how can anyone in this body defend such action? One thing is for sure: I do not think the people will want to defend such action in public. In that, I have much confidence.

I ask unanimous consent to have this article printed in the RECORD.

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

[From the Washington Times, May 2, 1993]

DEMOCRATS STYMIE EFFORT TO PAY ''TRAVELGATE'' LEGAL FEES

(By Paul Bedard)

Senate Democrats have ganged up in secret to block legislation that would pay off ''Travelgate'' figure Billy R. Dale's $500,000 legal bill in an apparent effort to shield the president from further embarrassment in the scandal.

Senate leadership sources said yesterday that Sen. David Pryor of Arkansas, a close ally of the president, put a confidential ''hold'' on the bill, blocking it from being considered by the Senate.

They said Mr. Pryor, who is retiring this year, then passed the hold to other Democrats, and they have kept the legislation from being considered for passage in a voice vote.

Pryor spokesman Beau Morrison denied that the senator now has a hold on the bill, adding that a senator's privilege to put a hold on legislation is supposed to be confidential.

Senate protocol allows any member to place a confidential hold on any legislation for any reason. Democratic senators recently tried to kill that rule.

''Pryor did put a hold on it, and we expect another Democrat to drop one on it now that you have caught wind of it,'' a Republican source said.

Mr. Dale accumulated legal bills of $500,000 in defending himself against two counts of embezzlement that followed his surprise ouster as White House travel office director May 19, 1993. A U.S. District Court jury took two hours to acquit him after a three-week trail.

The firings of Mr. Dale and his six aides sparked the Travelgate scandal.

A House panel is investigating a former senior White House aide's accusation that first lady Hillary Rodham Clinton demanded the firings in order to make room for Clinton associates. Mrs. Clinton has denied the charge.

Republicans upset with Senate Majority Leader Bob Dole's refusal to force the issue on the Senate floor yesterday urged the likely GOP presidential nominee to bring the legislation to a vote.

''Please do whatever you can to bring this bill to the floor, thus allowing those opponents the opportunity to make their arguments in public, in the light of day,'' Sens. Christopher S. Bond, Missouri Republican, and Richard C. Shelby, Alabama Republican, wrote to Mr. Dole in a letter provided to The Washington Times.

''The careers of seven long-time employees were put in jeopardy, their finances devastated and their reputation forever stained. And now a simple bill designated to attempt to right one of the wrongs perpetrated against these seven employees is being held up by at least one Democrat senator,'' they wrote.

''We believe the 'Travel Office Seven' has suffered enough—this bipartisan, widely supported bill should be allowed to pass.''

The House in March voted 350–43 to pay Mr. Dale's bills. Swift Senate action was promised—along with presidential approval—but the bill was stopped dead by Democratic opposition.

The House and Senate previously approved a $150,000 bill to help cover the legal bills of the other travel office workers.

Unless Mr. Dole pushes the bill Republicans expect the hold ''to continue until we begin putting pressure on the Democrats,'' Senate leadership official said ''We should be going to the floor every day to force and embarrass the Democrats, but we aren't there yet.''

The official said Senate Democrats hope to kill the aid for Mr. Dale in order to save the president the embarrassment of having to sign it. Mr. Clinton has said he will sign it, but he isn't pushing Democrats to let the bill go.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, if I might, I would like, through the Chair, to request my good friend from Iowa to stand by for a few moments, because I would very much like to know some of the points that he raised so that I might be able to respond. I say that in great respect to him. When I saw him take the floor and mention the Travelgate issue, I literally ran from my office in the Russell Building to be here so that I may attempt to respond.

First, I do not know if the Senator from Iowa, in any way, has indicated or implied that a Member on this side of the aisle—especially this Senator from Arkansas—or would have inferred that this Senator from Arkansas has had a hold on this particular bill, known as the Travelgate reimbursement bill for legal fees.

In this morning's Washington Times, Mr. President——

Mr. GRASSLEY. If the Senator will let me answer, and I will not take the floor.

Mr. PRYOR. Sure.

Mr. GRASSLEY. Mr. President, I did not say anybody's name. However, the article I have put in the RECORD does have the name of the Senator from Arkansas in a headline. This was the basis for my comments. I did get unanimous consent to have this printed in the RECORD.

Mr. PRYOR. I do not object. I am very proud that my good friend is raising this point so that I can finally respond to it.

The Washington Times indicated this morning that the Senator from Arkansas, myself, Senator PRYOR, had a hold on this bill to repay all of the legal fees, some $500,000, which had been amassed by those people involved in the Travelgate episode.

Mr. President, I want to state this: I do not have a hold on this bill. I have never placed a hold on a bill in my 18 years in the Senate. I will be here about another few months, and I will never place a hold on a bill, or a piece of legislation. I do not think that is a healthy way to conduct the business of the Senate. And I deeply resent—not the Senator from Iowa—but any insinuation by anyone from the media that the Senator from Arkansas has a hold on this bill. I do not have a hold. I have never talked to anybody about having a hold. I have never mentioned to the majority leader, to the minority leader, to the floor staff, to the Cloakroom, or anyone, that I want to stop this bill.

In fact, Mr. President, I want to see this bill come to the floor. I wish it would come to the floor tonight. I wish we would vote on it tonight, because I am probably going to support it because I have an amendment I may want to add to this bill. This amendment relates to changing the implementation of the GATT treaty, so that a handful of drug companies will not continue taking advantage of the American consumer, the American taxpayer, in the sale of certain pharmaceutical drugs.

I might use this bill as that vehicle, Mr. President, to offer that amendment so that we can correct this odious mistake that the Congress has made in carving out a special exemption and a special place for Glaxo, the manufacturer of Zantac, and other drug firms of the manufacturing nature, in the manufacture of drugs that are necessities of life for people. I was going to use this as a possible vehicle to make that change and to offer that amendment.

There is another bill that I hope will come to the floor. The Senator from Iowa had worked for many years on something we called the taxpayers' bill of rights. I was going to see if there would be a way to offer my amendment on Glaxo and the GATT implementing legislation. I have been consulting with my colleague, Senator BROWN of Colorado, and Senator CHAFEE of Rhode Island, to establish which vehicle would be best for us to use to get the maximum number of votes. If Travelgate was the one, that would be fine, or the taxpayers' bill of rights, that would be fine. Whatever the legislation, Mr. President, I was prepared to offer this amendment to correct this mistake Congress made, which allows extra profits of $5 million each day to one particular firm, which I think is unconscionable.

I state to my friend, once again, I do not have a hold on this bill. Please insert the article. I will certainly not object. I thank the Senator for raising the point, because all day I have been asked by various members of the press if I actually had a hold on the bill. I do not. I see that my friend may be seeking recognition.

Mr. GRASSLEY. Will the Senator yield for rebuttal on my part?

Mr. PRYOR. I am happy to yield to my friend.

Mr. GRASSLEY. Mr. President, first of all, I thank the Senator very much for coming to the floor to make his remarks. I absolutely believe what the Senator says. I hope that the Senator will have an opportunity, maybe, to study what I said, because, as he said, he had to leave his office to come over here. I will be happy to discuss, either privately or on the floor of the Senate, any of the comments that I made. I did not name any Senator, albeit, the Senator's name could be implied from putting the article in the RECORD. But I did not accuse any Senator of putting a hold on it. People on this side of the aisle did inquire about whether or not there was a hold by somebody on your side of the aisle on the bill, and we were told there was a hold. We were not told who it was, but that there is a hold on the bill.

So I want to take time to clarify that because the Senator from Arkansas asked me to, and I appreciate how he approaches this issue as well.

I still would leave my comments, though, that we should get this bill passed. It is not going to restore the situation prior to the firing the way it was for Mr. Dale. But I think that this is something which will bring some justice to it and some equity to other situations in this town where people are getting their legal fees paid.

I thank the Senator for yielding.

Mr. PRYOR. Mr. President, I thank my friend from Iowa very much.

I once again appreciate this opportunity to be able to come to the floor and attempt to clarify this situation which I think is somewhat of sync. If I might, before my friend and colleague leaves the floor, I am just going to take a very few moments before my colleague leaves.

There seems to be sort of an insinuation in some of the media writings—in the Washington Times—that the White House, through Senator PRYOR from Arkansas, being from the same State as the President and the First Lady, might be inclined to put a hold on this bill so as not to embarrass the White House, or whatever.

Mr. President, let me state in the presence of my colleague, the Senator from Iowa, that I have never talked to anyone in the White House about this bill. Never, ever have I talked to anyone in the White House about this bill. I do not think they have any idea whether there is a hold on this bill or not. In fact, I think I have seen in the press, or I have heard somewhere, that the President has indicated that he would probably sign this bill. I do not know what the President's position on this bill is.

But, if I may, I am so appreciative of the Senator remaining to let me tell him how this might have started. This is a very small body, and we all know each other. I went the other evening to one of Senator GRASSLEY's colleagues, Mr. President, on the other side of the aisle, and I said, ''When is the Travelgate reimbursement for legal fees bill coming?'' They said, ''Well, we are not sure.'' I said, ''I may have an amendment to the bill.'' I may amend it either with the GATT implementation legislation to try to cure this terrible mistake we have made to allow all these windfall profits to occur for Glaxo and other companies, or I may have another amendment. I may offer an amendment to put some extra money in this bill as a contingency fund, a contingency fund to somehow begin to compensate and to give some protection, even a modest amount of protection, for those individuals who are being dragged up here to Washington, DC, time and again at their own expense incurring enormous backbreaking legal fees to appear before the Whitewater committee.

Mr. President, these people are financially destitute. These are not Presidents and First Ladies necessarily. These are secretaries and file clerks who are having to answer a subpoena and bring records, bring themselves, pay for airplanes, and come up here and give opportunities to be grilled and interrogated by the Whitewater committee.

Mr. President, I do not know if Mr. Dale's firing was right or not. I have not truly followed that case. I think the President probably had the right to fire him should he have wanted him fired. I do not know how that worked. But whether he did or whether he did not, that is irrelevant to the other issue.

Do we need to start looking at a way to protect private citizens in the payment of their legal fees when they are not a target of an investigation, when they are not even truly a part of any problem that has given rise to an investigation when those individuals cannot pay their legal bills?

Mr. President, when these people are first talked to about appearing before this committee or before Kenneth

Starr's grand jury in Arkansas or before a grand jury here, they do not know what is happening. They do not know if they need an attorney or not. They do not know in most cases whether they are a target of an investigation or not. They are having to produce mountains of information. They are having to produce file drawers full of documents. For many of those documents, they do not know where they are. But in most cases they are trying to comply in good faith and with good intentions.

So, Mr. President, that may have been how this rumor started about the Senator from Arkansas putting a hold. I said that I might have an amendment. One amendment might be on the GATT Glaxo issue; one amendment might be to add additional funds so that we could cover those individuals who could not pay attorney's fees who are not targets of an investigation.

I remember hearing the majority leader sometime back. I tell you, I think he was right. I remember him talking about someone who had been hauled—perhaps hauled or subpoenaed—before the Iran-Contra committee. I believe that was the case. The majority leader said then that what he was going to have to do is go out and try to get his reputation back.

Those words rang in my ears, and they ring in my ears again as we continue dragging these people up from especially our State and where it is going to wreak financial devastation on some of these individuals who have had no part in creating this problem but were merely what you might call lower echelon public servants who are going to be financially destitute after all of this is over.

Mr. President, I see the distinguished majority leader is here. I want to thank once again my friend from Iowa, Senator GRASSLEY, for remaining, and he has had to leave the floor now.

Seeing no other Senators seeking recognition, I yield the floor at this time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Executive Calendar nomination Nos. 507 and 508.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF ENERGY

Thomas Paul Grumbly, of Virginia, to be Under Secretary of Energy.

Alvin L. Alm, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RYAN WHITE CARE ACT AMENDMENTS OF 1996—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641), a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 30, 1996.)

Mrs. KASSEBAUM. Mr. President, I rise in support of the conference report on the Ryan White CARE Act Amendments of 1996, S. 641. This bipartisan legislation reauthorizes critical health care programs which provide services for individuals living with HIV and AIDS. Accordingly, I urge the Senate to move expeditiously to pass this conference report, which has already moved through the House with near-unanimous support.

The Ryan White CARE Act plays a critical role in improving the quality and availability of medical and support services for individuals living with HIV disease and AIDS. As the HIV epidemic continues, the need for this important legislation remains.

Achieving a compromise on the Ryan White CARE Act reauthorization bill has been a long process, and I am delighted to see it come to a completion. The give-and-take involved in the conference rarely leaves everyone satisfied with every aspect of the final agreement. I believe, however, that the compromise bill offers constructive change, and I am particularly pleased that it provides greater equity for rural states through changes in the funding formulas.

The present distribution formulas have led to disparity in funding for individuals living with AIDS based on where they live. When the CARE Act was first authorized in 1990, the epidemic was primarily a coastal urban-area problem. Now it reaches the smallest and most rural areas of this country. Our agreement ensures that the amount of Federal AIDS support for an individual in a rural State more closely approximates the support for an individual living in a high AIDS population area. This agreement ensures that any individual living with AIDS, regardless of where he or she lives, will have similar support from the Federal Government.

Mr. President, with any formula change, there is always concern about the potential for disruption of services to individuals now receiving them. To address this concern, the bill maintains hold-harmless floors designed to assure that no entity receives less than 95 percent of its 1995 allocation over the next 5 years, and all entities are held harmless in fiscal year 1996.

The Senate-House HIV testing compromise shifts the emphasis from mandatory testing of infants to voluntary testing of pregnant women. It provides $10 million to help States meet CDC guidelines for voluntary HIV counseling, testing, and treatment for pregnant women. I believe the emphasis on voluntary testing for pregnant women makes sense and is an appropriate compromise. Medical technology today enables us to greatly reduce the chance that a HIV-positive mother will pass HIV to her newborn if she receives proper treatment prior to delivery. This is why I felt it was so critical to focus our Federal resources on voluntary testing of mothers rather than testing newborns, when it would be too late to try to prevent most HIV transmission.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges.

Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts. I particularly appreciate the constructive and cooperative approach which the Senate conferees, Senators JEFFORDS, FRIST, KENNEDY, and DODD, lent to the development of this legislation. I wish to thank both the Senate and the house conferees for their efforts in crafting the compromises reflected in this conference bill.

I also wish to thank their staffs, including Sharon Winn, Susan Ramthun, Jonelle Rowe, M.D., Joe Musker, Michael Iskowitz, Seth Kilbourn, Jane Loewenson—as well as Marty Ross, M.D., James Wade, M.D. and Kent Bradley, M.D. of my staff—for their hard work in reaching this agreement.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KASSEBAUM in

bringing to the Senate floor the conference report for the Ryan White CARE Reauthorization Act of 1996. This is critically important legislation and I am pleased that after months, an agreement has finally been reached.

For 15 years, America has been struggling with the devastating effects of AIDS. More than 1 million citizens are infected with the virus. AIDS itself has now become the leading killer of all young Americans from ages 25 to 44. AIDS is killing our brothers and sisters, parents and children, friends and loved ones—all in the prime of their lives. This epidemic knows no walls and has no mercy.

More than 500,000 Americans have been diagnosed with AIDS. Over half have already died—while the epidemic marches on unabated.

The epidemic is now a decade and a half old, but almost 40 percent of the AIDS cases in this country have been diagnosed in the last 2 years. Another American gets the bad news every 6 minutes. Each day, 100 more of our fellow citizens die of AIDS.

As the crisis continues, it becomes more and more difficult for anyone to pretend that AIDS is someone else's problem. There are few of us who do not know someone who is either infected or affected by AIDS. In a very real way, we are all living with AIDS.

In 1990, AIDS advocates and service providers gave us the sound advice that the development and operation of community-based care networks could help shore up the Nation's overburdened health system, and improve the quality of life and efficiency of services for individuals and families living with AIDS.

In response, and in the name of Ryan White and all the other Americans who had lost the battle against AIDS, Congress passed the Comprehensive AIDS Resources Emergency Act, called the CARE Act. With broad bipartisan support, we put people before politics, and took constructive action that has made a world of difference.

America can take satisfaction that, in difficult times, sometimes we get it right. In the case of the CARE Act, we have.

The act contains a series of provisions that have reduced inpatient hospitalization and emergency room visits—and allowed more than 300,000 Americans with HIV disease to live longer, healthier, and more productive lives.

Title 1 of the act provides emergency relief for cities hardest hit by AIDS.

Title 2 provides funding for all 50 States to organize and operate HIV care consortia, to offer home care services and lifesaving therapeutics, and to continue private insurance coverage for those who would otherwise fall onto the public rolls.

Title 3 funds community health centers and family planning clinics which offer primary care and early intervention services to those living with HIV in underserved urban and rural communities face an increasing demand for care.

Title 4 links cutting-edge pediatric AIDS research with family centered health and support services to meet the unique needs of children, youth, and families with HIV.

Title 5 funds national demonstration projects for HIV populations with special needs, including teenagers, minorities, the homeless, and Native Americans.

Together, these titles put in place a strong national response with a proven track record of success that has saved both money and lives.

In Boston, the act has led to dramatically increased access to essential services. Because of the act, 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements. This assistance is reducing hospitalizations, and is making an extraordinary difference in people's lives.

While our response has changed significantly since 1990, the brutality of the epidemic remains the same. When the act first took effect, only 16 cities qualified for ''emergency relief''. In the past 5 years, that number has more than tripled.

This crisis is no longer limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts, and in America's heartland. From Weymouth to Wichita, no community will avoid the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. This reality challenges us to move forward together in the best interest of all people living with HIV. And that is what this conference report seeks to do.

This bill acknowledges that the HIV epidemic has expanded its reach, but we have not forgotten its roots. While new faces and new places are now affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

The revised formulas in this legislation will make desperately needed resources available to cities and States, based on the number of people living with HIV disease. These changes will increase the availability of medical care and the support services to individuals with HIV in many cities, including Boston, and in many States.

Equally important, the compromise will ensure the ongoing stability of the existing care system in areas of the country with the greatest incidence of AIDS. The HIV epidemic in New York, San Francisco, and Miami is far from over—and in many ways, the worst is yet to come.

Finally, the compromise includes a provision promoting voluntary HIV counseling, testing, and treatment for pregnant women as part of comprehensive prenatal care.

Thanks to recent research advances, we now know that this sound public health approach will save countless young lives. Doctors, nurses, public health officials and AIDS organizations have all called for this responsible action.

This aspect of the bill is a dramatic departure from the provisions contained in the House bill, which focused on mandatory testing of newborns. That approach is both too little and too late. In addition, it is likely to prove counterproductive for achieving the goal of preventing HIV in newborns or prolonging the lives of children infected with HIV.

The participation and cooperation of parents and physicians is essential if children are to receive the care they need. Mothers must be involved in the health care system, not alienated from it. Mandatory testing programs threaten to drive women away from essential services, for fear of losing their health care or the custody of their children. This is especially true for poor women and IV drug users who are at high risk for HIV, but who are also often highly mistrustful of the health care system.

An HIV test by itself does not guarantee needed participation, and does not ensure access to care. It does not provide access to health insurance or to necessary followup treatment. It does not mean that a mother will be able or willing to follow a complex treatment schedule.

Doctors, nurses, patients, and all those on the front lines of this epidemic agree that to maximize the potential for appropriate care, the relationship between a woman and her health provider must be based on compassion, confidence, and trust.

Coercive, mandatory procedures are hostile to such a relationship and hostile to the American tradition of respect for the doctor-patient relationship.

The compromise contained in the conference report focuses on the promising strategy of offering voluntary HIV counseling, testing, and treatment to pregnant women. States are given the time and the resources to implement the CDC guidelines and to begin to save lives.

Medical professional and public health officials have expressed serious concerns about Congress withholding funds unless they implemented a program which they do not believe is in the best interest of those they serve. Under this bill, no doctor or State will be forced to implement a program of mandatory HIV testing of newborn during this reauthorization cycle.

No State will be forced to implement a mandatory testing program at all unless, first, the Secretary of HHS decides that such a program has become the standard of practice; and second,

the State is unable to achieve a significant reduction in HIV transmission from mother to child by the year 2000. This compromise allows States to keep their eyes on the goal, rather than divert their attention or resources to a strategy they believe is wrong.

If States do implement mandatory testing programs, this provision requires that States have in place protection against insurance discrimination based on HIV status or based on the fact that an individual has undergone HIV testing. This protection adds to the protection already provided under the Americans With Disabilities Act [ADA].

Under the ADA, an insurance company or an employer cannot place different requirements or restrictions on people with HIV or AIDS than they place on people with diseases of similar financial risk. This protects against insurance discrimination based on fears and myths, rather than objective actuarial and financial considerations.

The requirements in this provision add to those of the ADA, and prohibit insurance discrimination against individuals who have simply undergone HIV testing. The ADA has an important provision which protects people who are perceived to have HIV or AIDS. Many people who have undergone HIV tests, and are subsequently discriminated against, may be perceived as having HIV and are thus protected by the ADA. But this provision makes clear that such individuals may not be discriminated against in insurance, whether or not they are perceived as having HIV.

The reason for this provision is clear. As I have noted, I do not believe mandatory testing is appropriate. But if a State ultimately chooses to fulfill its obligations under this law by enacting such testing, it must also ensure that comprehensive insurance protection is in place. Congress has already ensured significant protection when we passed the ADA. These State laws or regulations will complement such protection.

Like most compromises, it is not perfect and it will not please everyone. But on balance, it is a fair one. We have sought sound policy. We have listened to those on the frontlines. And we have attempted to support their efforts, not tie their hands.

With the enactment of this conference report, Congress has put aside political, geographic, and institutional differences to face this important challenge squarely—and in all likelihood, successfully.

In these times of partisan politics and scarce resources, it is a tribute to the effectiveness of this landmark legislation that Congress voted nearly unanimously to continue this program—and to provide a $105 million increase for this year.

This action will sustain and expand the act's lifeline. It will provide better care and support for hundreds of thousands of individuals and families caught in the epidemic's path.

The Ryan White CARE Reauthorization Act, however, is about more than Federal funds and health care services. It is also about caring and the American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what is happening in his name. His example, and the tireless commitment of so many others, are bringing help and hope to our American family living with AIDS.

I am pleased that the House of Representatives passed the conference report earlier this evening by a vote of 402 to 4 and I urge my colleagues to unanimously approve this critically important conference report.

Before we take final action, I would like to thank the committee staff who have worked tirelessly on this legislation and made it possible for us to reach this point. First and foremost, I would like to thank Michael Iskowitz of my staff, who was instrumental in the development of this act in 1990, and who has been indispensable throughout this reauthorization process.

I would also like to thank Seth Kilbourn who, during his detail with the Labor Committee, proved invaluable to our efforts. Finally, I would like to thank Senator KASSEBAUM and her able staff, including Kent Bradley, Jim Wade, and Marty Ross. This has been a solidly bipartisan effort and I am grateful to the chairman and her staff for their cooperation and collaboration.

I ask unanimous consent that my remarks, a summary of the legislation and of the voluntary testing compromise be printed in the RECORD.

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

RYAN WHITE AIDS CARE ACT SUMMARY

TITLE I—DISASTER RELIEF TO CITIES

Provides emergency assistance to metropolitan areas hardest hit by the AIDS epidemic. Urban areas with more than 2,000 diagnosed AIDS cases qualify for such assistance (FY91=16 cities, FY93=24 cities, FY95=42, and FY96=48 projected cities). Funds are used for outpatient health care and support services for individuals and families with HIV disease to enhance quality of life and to reduce inpatient hospitalization. Funds go to mayors who must establish an HIV Planning Council to assess need and allocate resources.

Authorizes such sums as may be necessary in FY96–00. Actual appropriations: FY91=$87 million; FY92=$122 million; FY93=$184.8 million; FY94=$325.5 million; FY95=$356.5 million; and FY96=$391.7 million.

TITLE II—HIV CARE GRANTS TO STATES

Provides for the development, organization, and operation of effective and cost efficient systems for the delivery of essential health care and support services to individuals and families with HIV disease in both urban and rural areas. Eligible uses of funds include:

(1)—local consortia capable of delivering a comprehensive continuum of care;

(2)—home health care services;

(3)—assuring continuity of health insurance coverage; and

(4)—paying for HIV related therapeutics.

All states must set aside not less than 15 percent of funds for the delivery of health and support services for infants, children, women and families with HIV disease.

Authorizes such sums as may be necessary in FY96–00. Actual appropriations: FY91=$87 million; FY92=$108 million; FY93=$115.3 million; FY94=$183.9 million; FY95=$198.1 million; and FY96=$260.8 million.

TITLE III—EARLY INTERVENTION CATEGORICAL GRANTS

Provides early intervention services through categorical grants to public and non-profit entities including community and migrant health centers and others which deliver primary health care. Individuals who test HIV(+) receive the diagnostic and therapeutic services in order to benefit from medical advances.

Authorizes such sums as may be necessary in FY96–00. Actual appropriations: FY91=$44 million; FY92=$49.8 million; FY93=$47.9 million; FY94=$47.9 million; FY95=$52.3 million; and FY96=$56.9 million.

TITLE IV—CHILDREN, YOUTH, WOMEN AND FAMILIES

Provides grants to appropriate public and non-profit entities that offer primary care to coordinate the delivery of health care and support services with experimental therapies for women and children with HIV to increase access to services and clinical trials.

Authorizes such sums as may be necessary in FY96–00. Actual appropriation: FY94=$22 million; FY95=$26 million; and FY96=$29 million.

HELPING TO REDUCE HIV TRANSMISSION FROM MOTHER TO CHILD

The Senate-House HIV testing compromise contained in the Ryan White conference report shifts the emphasis from mandatory testing of infants to voluntary testing of pregnant women. Focusing on voluntary testing of pregnant women rather than mandatory testing of newborns is the approach supported by medical professionals and public health officials as the most effective means of preventing perinatal transmission of HIV. The compromise contains the following provisions.

Provides $10 million to assist states in implementing the CDC guidelines which call for voluntary HIV counseling, testing, and treatment for pregnant women. For states to access these funds, they must have adopted the CDC guidelines.

Within 4 months of enactment (Sept. 1996), the CDC, in consultation with states, must develop and implement a system for states to gather data related to perinatal transmission, to document reduction in such transmission.

The Secretary of HHS is directed to contract with the Institute of Medicine to evaluate the extent to which state efforts have been effective in reducing perinatal transmission of HIV and to analyze the existing barriers to further reduction in such transmission. Within two years of enactment (May 1998), the Secretary shall report these findings to Congress along with any recommendations made by the Institute.

After 2 years and 4 months (Sept. 1998), the Secretary of HHS will make a determination of whether mandatory HIV testing of all infants born in the US whose mothers have not undergone prenatal HIV testing has become routine practice in the provision of health care in the US. This determination will be made in consultation with states and experts.

If the Secretary determines that such mandatory testing has become routine practice, after an additional 18 month period (March 2000), a state will not continue to receive Title 2 Ryan White funding unless it can demonstrate one of the following:

(1). A 50 percent reduction (or a comparable measure for states with less than 10

cases) in the rate of new AIDS cases resulting from perinatal transmission, comparing the most recent data to 1993 data;

(2). At least 95% of women who are received at least two prenatal visits prior to 34 weeks gestation have been testing for HIV; or

(3). A Program for mandatory testing of all newborns whose mothers have not undergone prenatal HIV testing.

Mr. JEFFORDS. Mr. President, I am proud to be an original cosponsor of the Ryan White CARE Act; I am proud to have served on the conference committee for this very vital legislation; and I am proud to be here today to speak in support of the bill's final passage. As most of us are aware, AIDS has become one of the most difficult and complicated public health threats in recent memory. For this reason, the Ryan White CARE Act is important not only for to those already infected with HIV or suffering from AIDS—as a public health bill, this legislation is important for all of us.

We've said it a number of times before, but it bears repeating: AIDS is now the leading killer of men and women ages 25 to 44. AIDS has killed over 300,000 people since the beginning of the epidemic in the early 1980's—but half of those people, 154,077, have died in the past 2 years. The Centers for Disease Control estimates that nearly 1 million people are now infected with HIV, the virus that leads to AIDS. Clearly, then, AIDS is challenging our health care system in ways it has not been challenged before.

We discussed this bill at length nearly a year ago, so I want to take a few minutes to remind my colleagues of the valuable programs they will help to support today. As I've already mentioned, the bill provides health services to those already living with AIDS. It also relieves pressure from our critical care units and emergency rooms by utilizing early intervention techniques with AIDS and HIV patients.

The programs we're reauthorizing today work at the local level, and they're cost-effective—two things we've tried hard to stay focused on in this Congress. The Ryan White CARE Act funds community based organizations to provide needed outpatient care at the local level in the most cost effective and efficient ways possible for the populations that need help the most. One study even indicated that a person receiving outpatient managed care spends 8 fewer days in the hospital than a person not receiving such care—resulting in a cost savings of over $22,000 per person.

Dollars from the CARE Act increase the availability of critical outpatient primary care services; they provide support services; and they improve the quality of life of those living with HIV. In Vermont, CARE Act money is used primarily to provide pharmaceuticals to people with HIV and AIDS who need drugs, but cannot afford them.

Successful outpatient care keeps people out of the hospital, improves their quality of life, and saves money for the system. When early interventions and primary care are used successfully, the health care system saves untold dollars in unused emergency health services. From a purely fiscal perspective, we cannot afford not to fund these programs.

Finally, let me remind my colleagues that this is not a disease from which we can remove ourselves so easily as we might expect. Any of us who previously felt confident we could not be touched by HIV or AIDS because AIDS affects other people must now reexamine those assumptions. Soon we will all have friends whose lives have been touched by this disease. I had the honor of hosting one of my friends, David Curtis, at a Labor Committee hearing on this bill. The face of AIDS is changing, it is affecting the people I know and the people we all know.

If we and our loved ones are affected, I know we will want adequate resources to be available to help with prescription drugs, health care and support services. The Ryan White CARE Act is an assurance that help will be available. So for my friend, David Curtis and the millions of other Americans affected by HIV, I hope my colleagues will join me in supporting final passage of the Ryan White CARE Act.

Mr. DOLE. Mr. President, I ask unanimous consent that the conference report be deemed adopted, the motion to reconsider be laid upon the table, and that any statements relating to the conference report be included in the RECORD at the appropriate place.

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

The conference report was agreed to.

ORDERS FOR FRIDAY, MAY 3, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Friday, May 3; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, the call of the calendar be dispensed with, that the morning hour be deemed expired, that there be a period for the transaction of morning business until the hour of 1 p.m. with Senators to speak for up to 5 minutes each with the following Senators to speak for the designated times: Senator COVERDELL for the first 90 minutes and Senator DASCHLE for the last 90 minutes.

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

PROGRAM

Mr. DOLE. Mr. President, the Senate will have a period for morning business only tomorrow, and no rollcall votes will occur during Friday's session of the Senate.

Following morning business, the Senate will recess until 12 noon on Monday, May 6th. Following morning business on Monday, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 380, H.R. 2937, regarding White House Travel Office.

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

Mr. DOLE. Mr. President, for the information of all Senators, it is my hope that the Senate could dispose of the White House Travel Office bill by the close of business on Monday. I did not hear the debate between the Senator from Arkansas and the Senator from Iowa, but, hopefully, if there are problems, we can work those problems out. We hope there are not any nongermane amendments. We will see what happens. Perhaps we could find that out before or maybe on Monday because I may fill up what we call the amendment tree—I prefer not to do that—in order to keep the Senate germane to the pending issue.

There will be no rollcall votes during Monday's session of the Senate, and the Senate may be asked to consider any other legislative matters that may be cleared for action.

I know there are a number of nominations on the calendar. I have never been one to try to hold up nominations, but I would just say to the White House they have had nominations—Republican nominees have been down there for 6 to 8 months—that have not been sent to the appropriate committees. It seems to me there ought to be some reciprocity here. If they continue at the White House to say, ''We are not going to send Republican nominees out,'' we do not find it very difficult to say, ''Why should we clear nominations the White House wants?''—whether judicial nominations or any others.

So I hope we could have some understanding because I have never been one, regardless of who is in the White House, to try to hold up nominations. These nominees have families and obligations but so do the families we have sent down months and months and months ago. They are still waiting for some word from the White House. They cannot have it both ways.

I also hope that we could still work out some agreement—we made a tentative suggestion to our colleagues on the other side with reference to the minimum wage. I will ask Senator LOTT to try to meet again early next week with Senator DASCHLE or his designee to see if we can work out some time to take up that matter, either as a part of something else, which I will not speculate what it might be, or have separate votes, parallel votes on our proposal and a Democratic proposal, because we would like to proceed with the legislation and not have nongermane amendments at every turn. It took us 8 days to complete an immigration bill that probably should have taken 3 days, and I hope that we can catch up. We need to catch up so we can hopefully enjoy a recess or a few days off the end of this month. We have

a number of bills we think should be completed prior to that time.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d session of the 104th Congress, to be held in southeast Alaska May 10–14, 1996:

The Senator from Rhode Island [Mr. CHAFEE]; the Senator from Utah [Mr. HATCH]; the Senator from Arkansas [Mr. PRYOR]; the Senator from South Dakota [Mr. PRESSLER]; the Senator from Iowa [Mr. GRASSLEY]; the Senator from Washington [Mr. GORTON]; the Senator from Vermont [Mr. JEFFORDS]; the Senator from Florida [Mr. MACK]; the Senator from Montana [Mr. BURNS]; the Senator from Utah [Mr. BENNETT]; the Senator from Oklahoma [Mr. INHOFE]; the Senator from Ohio [Mr. DEWINE], and the Senator from Minnesota [Mr. GRAMS].

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d session of the 104th Congress to be held in Mexico May 3–5, 1996:

The Senator from Alaska [Mr. MURKOWSKI]; the Senator from Colorado [Mr. BROWN]; and the Senator from Georgia [Mr. COVERDELL].

Mr. DOLE. I will be happy to yield the floor or yield to the Senator from Arkansas.

Mr. PRYOR. I thank the Chair. I thank the distinguished majority leader for yielding.

PRESIDENTIAL NOMINATIONS

Mr. PRYOR. Once again I should have been here a few moments ago because it was my understanding that one of my colleagues, and perhaps even the majority leader himself, made some reference to the appointment of judges by President Clinton.

Mr. DOLE. Not today.

Mr. PRYOR. I did not hear the majority leader.

Mr. DOLE. I did not make any reference today to the appointment of judges, but I did make a reference to the fact that judges in the second and ninth circuits have been reaching for some way to find a constitutional right to die, and I thought that should be decided by the legislative branch.

Mr. PRYOR. I see. Notwithstanding the majority leader's assurances that he has not talked about President Clinton's appointments to the bench, Mr. President, I think the record should fairly reflect what the facts are about this. I really appreciate the majority leader yielding to me for a moment.

The appointments of President Clinton's judges—in fact, almost two-thirds of President Clinton's judicial appointments—have received the American Bar Association's highest rating: ''Well qualified,'' the highest percentage of any of his three predecessors.

Second, U.S. News and World Report is saying with regard to President Clinton's appointments to the bench, and I quote, ''Centrism is carrying the day.''

Third, even Senator HATCH, our colleague and friend from Utah, our distinguished chairman of the Senate Committee on the Judiciary, has as recently as August 3, 1995, Mr. President, stated at a confirmation hearing, and I quote:

> I wish to compliment the administration for the type of people they are sending to us. It is making our job much easier.

That is a direct quote from the distinguished chairman of the Judiciary Committee, Senator Orrin HATCH of Utah. Only two more comments, because I know the distinguished majority leader may be needing to get on.

Only 3—only 3—of the 185 judges in the lower Federal court appointed by President Clinton have been even the subject of contested votes. They did not even have a vote—only three have been subjected to a contested vote in the Judiciary Committee or in this Chamber. I think this is a remarkable record.

Finally, Mr. President, let me say that the Senate has approved unanimously with the consent of all Republicans 182 of 185 lower court Federal judges President Clinton has nominated and were ultimately approved for the bench.

So I think from time to time it is necessary for us to put the facts out in the RECORD, and I am very, very grateful for the understanding and the opportunity the majority leader has given me to make this record.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I appreciate that. I would only say the fact that they got the highest rating by the American Bar Association worries me even more. It is nothing but a liberal advocacy group, and that should indicate what kind of judges are being given these very high ratings. The more liberal you are, the higher rating you get from the American Bar Association.

It is customary, it has been in Democratic and Republican administrations, to honor a President's nominees unless there was some reason—sometimes you do not know until after they have, in this case, been on the bench and made a few rulings to see precisely which direction they can go, but we will be happy to accommodate the Senator from Arkansas if he would like to have all these contested in the future. I do not know how many judicial nominees are on the calendar now.

So I would just say, obviously, the President has a right to appoint the judges that he believes more or less follow his philosophy and others would have the right to appoint those who follow their philosophy. That debate will probably continue.

LEGISLATIVE SCHEDULE

Mr. DOLE. Mr. President, it is also my hope that we can complete action on the Billy Dale matter on Tuesday, and then also Amtrak authorization which is, as I understand, not particularly controversial, and the firefighters discrimination bill, S. 849. We hope we might be able to reach a time agreement on the firefighters discrimination bill. I think it has broad bipartisan support. I know the Senator from Vermont [Mr. JEFFORDS] has an amendment; the Senator from Massachusetts [Mr. KENNEDY] has an amendment. There are three or four amendments on each side. Some will be adopted, some will be defeated. But I would like to complete action on that bill early next week so that we can move on to other matters before the week is out.

Mr. PRYOR. Mr. President, if the majority leader will answer a question, I would appreciate it.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I will be happy to yield to the Senator from Arkansas.

Mr. PRYOR. I am wondering—I guess we are calling the compensation measure, the Travelgate issue, Billy Dale—which is fine. I think we will just call it the Billy Dale legislation.

Mr. DOLE. I do not have a number.

Mr. PRYOR. I wonder if the majority leader might be favorably disposed to any kind of amendment to that which might set up a fund to ultimately compensate those people regarding the Whitewater matter who may have been called here or called to Little Rock or called to some grand jury, to help them be compensated for their legal fees, if they were not a target of the investigation, not a subject of the investigation, and are found to be destitute and cannot pay their legal bills. I wonder if the majority leader would look kindly on such an amendment.

Mr. DOLE. I would certainly look kindly on having the Senate Judiciary Committee considering that. I think Senator HATCH would be very receptive.

My view is, if someone who is not a target is not only inconvenienced but must go out and hire counsel, there should be some recompense. I do not care whether it is Whitewater or whatever it may be.

So I would certainly, if I could work with the Senator from Arkansas and encourage the Senator from Utah, Senator HATCH, to immediately go to work on it, perhaps we can work out something.

Mr. PRYOR. Mr. President, I thank the distinguished majority leader.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:02 p.m., adjourned until Friday, May 3, 1996, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 2, 1996:

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C. SECTIONS 3371, 33384 AND 12203(A):

To be major general

BRIG. GEN. PAUL C. BERGSON, 000–00–0000.
BRIG. GEN. DOUGLAS E. CATON, 000–00–0000.
BRIG. GEN. ANTHONY R. KROPP, 000–00–0000.
BRIG. GEN. JOHN M. O'CONNELL, 000–00–0000.

To be brigadier general

COL. VONEREE DELOATCH, 000–00–0000.
COL. ROBERT M. DIAMOND, 000–00–0000.
COL. ALFONSA GILLEY, 000–00–0000.
COL. HAYWOOD S. GILLIAM, 000–00–0000.
COL. PIERCE A. ROAN, JR., 000–00–0000.
COL. ALFRED T. ROSSI, 000–00–0000.
COL. RICHARD G. SIMMONS, 000–00–0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TITLE 42, U.S.C., SECTION 7158:

DIRECTOR, NAVAL NUCLEAR PROPULSION PROGRAM

To be admiral

VICE ADM. FRANK L. BOWMAN, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ARTHUR K. CEBROWSKI, 000–00–0000.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 2, 1996:

DEPARTMENT OF ENERGY

THOMAS PAUL GRUMBLY, OF VIRGINIA, TO BE UNDER SECRETARY OF ENERGY.
ALVIN L. ALM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT).

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.