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 U.S. 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 United States, 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 is 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 a true 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.

All around this city of Washington are statues of Union Army generals. This is a good thing—they remind us of the crisis the Civil War represented to our country's future, of the great wave of sacrifice required thirteen decades ago to keep this country intact and to advance the freedoms it stands for. Now we are engaged in a different kind of conflict, a global economic conflict. There are no particular enemies in this conflict, at most we have rivals, not enemies, although in some ways the real enemy is ourselves because we have not yet been able to mobilize to confront our problems. This new conflict will test whether the great American dream of opportunity, of economic growth that will allow all our citizens to grow, will endure for future generations. Someday, if we are successful in keeping our opportunity dream alive, we should think about putting up some statues of the men and women in the private and public sectors who are the new generals, new kinds of heros, of that conflict. Ron Brown's statue should be one of the first we erect.

BARRIERS

I have discussed his innovative role at Commerce, but I want to say something about barriers, too. Occasionally, I think about how Chuck Yeager felt piloting his X–1 rocket plane when he was the first to break 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 additional pilots. Ron Brown's barrier breaking style was a little 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 appalled when he named a friend and politician. Big business has long been a barrier for African-Americans, but 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. In the past, those leaders typically have been leaders of the African-American community, and that has been very important for the country, too, and we need many more. Ron Brown well-remembered and was intensely loyal to his African-American roots, but, like Colin Powell, he was also a national leader, who was clearly understood, in his great energetic way, to be battling for the well-being of every American. That is a new, promising thing in America, it is a strong new step down our country's freedom road.

Mr. President, he led this effort to take some small, relatively unknown program in the Commerce Department—the Advanced Technology Program is one—to build it into an engine for technology growth and job creation.

Much was said in the aftermath of Ron Brown's tragic death about him being a bridge builder. I say he was also a barrier breaker. I think sometimes about Chuck Yeager, how he felt piloting that X–1 rocket plane when he first broke the sound barrier.

Ron Brown was a breaker, too, but the thing about Yeager's accomplishment is that barrier has to be broken every time someone chooses to do it. Ron Brown broke barriers that erased them. When he became Commerce Secretary, many were expecting the Secretary to name an experienced business leader. They were disappointed when he named a friend and politician.

But Ron Brown, by his outstanding performance at Commerce and the depth of support he built in the business community, broke another barrier and brought with him the business community and a lot of Americans.

Ron Brown was true to and proud of his African-American roots and the community from which he came, but he became in his lifetime like Colin Powell: Not just an African-American leader, but a great American leader.

Mr. President, finally, I say this. All around our city of Washington are statues of our great military heroes. Now we are engaged in a different kind of global conflict: an economic global conflict. If we ever start building statues for those generals who served as courageously and with great success in the economic battles that affect the quality of life and job opportunity for people in our country, we ought to erect a statue to Ron Brown as one of the greatest of those leaders.

I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER (Mr. STEVENS). Under the previous order, the clerk will report calendar No. 361, S. 1664.

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 proceeded to consider the bill.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that no amendment relative to the minimum wage be in order to the immigration bill during today's session of the Senate.

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

Mr. LOTT. I yield the floor, Mr. President.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I want to thank the chairman of the Judiciary Committee, Senator HATCH, for his superb work in this area. I have not always agreed with my good friend from Utah with regard to immigration issues, legal and illegal. And I say, too, to his fine staff after some early misunderstandings, they have certainly been excellent to work with. I appreciate that. To Senator Strom THURMOND who was chairman when I started this rather unique work, always helpful, always supportive, always there; to my old friend companion and colleague from Massachusetts, Senator KENNEDY, who served as chairman of the committee when I came here in 1979, who then served as the ranking member, then as chairman, then as ranking member, and it certainly is much more fun having him as ranking member than as chairman! I have thoroughly enjoyed the experience and have the greatest regard personally for him. We have worked together on these issues doggedly and persistently for 17 years.

It is a case of, in some ways, new players on an old field of battle. During my 17½ years in the Senate, I have literally spent weeks on the floor of this historic Chamber debating immigration reform legislation. Whether it was legislation to provide legalization for long-term illegals or to prohibit the knowing employment of undocumented workers, legislation I sponsored and which this body debated in the mid-eighties, or whether it was legislation Senator KENNEDY and I sponsored to increase immigration by nearly 40 percent in 1990, it has always been a terribly difficult issue for all the Members of this body. We know that no matter how we vote on immigration issues, we are going to assuredly upset and create anguish among segments of our constituencies.

But immigration policy is a critically important national issue, and Congress must deal with it. It is not for the States to deal with.

Immigration accounts for 40 percent, or more, of our population growth, which pleases some and distresses others.

Immigrants come here and work hard and they work cheap, which pleases some and distresses others.

Immigrants bring cultural diversity, which pleases some and distresses others.

And that is the nature of the immigration policy debate. Powerful, powerful forces tear at the country.

There are some members of our society who believe immigration is an unalloyed good. They consider it maybe something like good luck; you simply cannot have too much.

Other segments of the population believe that immigration should be severely restricted, if not eliminated altogether. They see America changing in ways that they particularly—to them—do not wish to see.

I deeply believe that immigration is good, it is good for America, but I firmly believe that this is not an eternally inevitable result. It depends upon those of us in the Congress and in the other branches of Government to make it work. Immigration policy must be designed and administered to promote the national interest or it may not have that effect.

So Congress created the U.S. Commission on Immigration Reform in the 1990 act. The Commission was chaired by that remarkable woman, Barbara Jordan, a powerfully articulate and splendid woman of such great good common sense and civility and intelligence.

That Commission is composed of a truly impressive group of immigration experts. Lawrence Fuchs, who was the executive director of the Select Commission on Immigration when I started in this field, along with Senator KENNEDY, Senator Mathias, Senator DeConcini on that select commission. The other names are people who are deeply respected in the United States: Michael Teitelbaum, Richard Estrada, Robert Charles Hill, Nelson Merced, Harold Ezell, Warren Leiden, and Bruce Morrison, a former Congressman.

That Commission had labored for more than 4 years, holding a very large number of hearings and consultations around the United States of America, and issuing two reports—two reports—one on controlling illegal immigration and one on reforming legal immigration.

I have heard some people in the debate and in the country say, ''Where did all of these disturbing ideas come from? Where did this issue come from, this discussion about the preference system and this one about chain migration?'' and about a verification system, as if it were all some scheme that was presented by some of the fringe elements of American society. Each and every one of the proposals in each and every one of the bills presented has come from or out of the Select Commission on Immigration and Refugee Policy or the Jordan Commission.

They are not disturbing, they are not sinister; they are real. They come from a group of people that I have just described who I think you could surely say are very mainstream Americans. They are from both sides of the issue.

The Commission labored and found that—and I quote—''a properly regulated system of legal immigration is in the national interest of the United States.'' The Commission also noted, however, that there are negative impacts. It proposed a reduction—a reduction—in the total level of immigration. That is who is suggesting the reduction.

The Jordan Commission strongly recommended that the family immigration visas go to those who are of the highest priority in order to promote a strong and intact ''nuclear family.'' A ''nuclear family''—would that we could have a better description than ''nuclear family''—but it is the one we think of as the tight-knit family; the spouse and minor children. Surely we want to be certain that we unite those people, but that we also have measures adopted to ensure that family reunification does not create financial burdens on the taxpayers of this country.

I thoroughly support those findings and recommendations. I have tried to follow them very carefully and very honestly in the legislation that I have sponsored.

Regarding the issue of control of illegal immigration, the Commission reported—and I quote:

> The credibility of immigration policy can be measured by a simple yardstick; people who should get in, do get in—people who should not get in, are kept out—and people who are judged deportable are required to leave.

That seems pretty sensible, pretty darn clear, actually. Pretty Jordan-like, I think.

Mr. President, I am pleased to report that the committee bill will measure up very well by that standard, by that yardstick. S. 1664 will provide additional enforcement personnel and detention facilities. It will authorize a series of pilot projects on systems to verify eligibility to be employed and to receive public assistance. It will also make improvements in both birth certificates and drivers licenses in order to reduce fraud.

The bill will provide additional incentives, additional investigative authority, and heavier penalties for document fraud and alien smuggling. It will streamline exclusion and deportation procedures. It will establish special procedures to expedite the removal of criminal aliens. There are additional enforcement-related provisions. It is a good illegal immigration control bill. I urge my colleagues to support it.

The committee has also reported a legal immigration reform bill which, I regret to say, does not carry out the major recommendations of the Commission on Immigration Reform chaired by Barbara Jordan and does very little to address the problems and weaknesses in our present legal immigration policy. There might have been some great expectations of that at one time.

I am reminded of a story of my good friend Senator HOWELL HEFLIN, who is certainly wont to tell a story or two from time to time, especially the ''Notie'' Hawkins variety stories and others that I am sure we have all heard from time to time and that we never tire of. At least I do not. So one has to give credit when you have heard and retell a good story, but you only do that once. The second time you just do not say anything. And the third time you claim it for yourself.

So the story is that this attractive elderly couple, both of whose spouses had passed away, were on a long airline flight together, very long. They were sitting there enjoying visiting with each other. They were in their late seventies. They talked about their children and grandchildren and their interests and things that excited and spurred them both on to a full life. And they had dinner, and they visited some more. And after a highly convivial evening and long flight, they landed. The lady reached over and patted the gentleman on the knee and said, ''You know, it has been wonderful. You remind me of my third husband.'' And he said, ''How many have you had?'' She replied sweetly, ''Two.'' You can think about that one when you get home. But that is called great expectations.

That is what was there with regard to legal immigration reform, at least in accordance with what Barbara Jordan and her commission had reported to us.

Yet what we have here is something that will not solve our problems with regard to legal immigration. These are the most vexing and the most troubling results. These deficiencies are the ones that give rise to proposition 187, ladies and gentlemen. These are the omissions that will see proposition 187's come to life in every single State in the Union unless we ''do something'' at the Federal level. We are doing very little in the area of legal immigration and badly need changes there.

Then you want to observe the various proposals passed either incrementally or on immigration reform measures which allow States to deny or impose charges for elementary and secondary public education for illegal alien students. These will also be part of a very vexatious debate. Do we continue to give support to the illegal community and deny it to the American citizen community? That will be a good test. If you want to be sure that we provide various things to mothers who are here illegally, then where is the money coming from that offsets that? Who is paying for that? If you want to relieve in a compassionate way a sponsor from having to pay for the person they bring over here and we sometimes say we cannot do that—heavens no, for the fellow cannot afford that.

But, you see, ladies and gentlemen, you have to remember that you cannot bring an immigrant legally to the United States unless the sponsor agrees, and also the immigrant, that they will not become ''a public charge.'' That has been on our books since 1882—1882.

This bill, these bills, tighten that singular requirement in an excellent way. We do say now that the affidavit of support has teeth and, indeed it does. That is a very excellent step. What we find in at least half a dozen or more States of our Union —and yet we just cannot say that is for six States alone to deal with; or that we do not need to do a national bill; no, that would be a true flight from reality. In half a dozen or more States, current high levels of immigration are perceived as causing, rightly or wrongly, some very serious social and governmental problems.

Do they take more out than they put in? Do they leave more in than they take out? Well, it depends on what side you are on. Do they pull their share? Do they really take the jobs Americans do not want, or with millions lesser employed in the United States, and having done a welfare reform bill, will there not be many people looking for work—all questions that will never go away, ever.

We are informed that in the California public school system subjects are taught in 100 different foreign languages. California must construct a new school building every day to keep up with immigrant student enrollment. It is not only illegal immigration, which is about 300,000 entries a year, but also our historically high level of legal immigration, about 1 million a year in the current years, that have given credence and impetus to the widespread view that immigration is out of control—perhaps even more tragically, beyond our control.

I do sincerely believe that if Congress fails to act to address these very real and reasonable concerns of the American people, there is a very strong possibility—and we have all been warned about this by the select commission, and by the Jordan Commission—we will lose our traditionally generous immigration policy. The American people will demand a halt to all immigration. They will not stand still for the Congress-knows-best approach, as some would have us take this route on this burning issue.

For these and other reasons, I will, at an appropriate time, offer an amendment to provide a modest, temporary reduction in legal immigration. It matters not one whit to me what the vote is on that, but we will vote on that issue. It will attempt to reduce immigration to a level approximately 10 percent below current level and hold it at that level for 5 years—a breathing space, if you will. For the first time in more than 50 years, there will be no increase in legal immigration over a 5-year period. At the end of the 5 years, the numbers and the priority system will return to exactly what they are under the present law—no change, back to business as usual.

During this 5-year breathing space, the visas will go first to the closest of family members of citizens of the United States of America. They will go first to citizens. Then they will go to the closest family members of permanent resident aliens, and then to other immigrants. Any that remain will fall down logically to the lowest priority of family immigrants. We can expect many amendments and several days of debate and much disagreement, but despite the emotion, fear, guilt, and racism that is involved in the immigration issue, we have always—historically, at least—had a good, clean, honest, civil debate on immigration in this body. I trust it will be no different this week.

Republicans will disagree among themselves, I can assure you. Democrats will disagree among themselves, I assure you. I will have serious disagreements with my friend TED KENNEDY, and my friend, Senator SPENCER ABRAHAM of Michigan, who is a fine addition to this body and adds greatly to the debate of this issue. This is not and never should be and never has been a partisan issue. Anyone taking it to that level is making a serious mistake. You will find that in the rollcall votes. There is no partisanship involved in immigration reform.

I want to commend the new members of the Judiciary Committee and the subcommittee of both parties, Senators KYL, FEINSTEIN, ABRAHAM, DEWINE, FEINGOLD, and THOMPSON. They bring a special vigor, intelligence, energy, and passion to the game. I like that.

Just a couple of things, and then we will go forward and proceed with our work. I want everyone to be aware of the usual fare that will be presented as the menu is spread before the Senate in this debate. First, the Statue of Liberty—that will always be a rather thorough, impressive, rich debate, but we are not talking about the Statue of Liberty, because the words of Emma Lazarus, do not say on the base, ''Send us everybody you have, legally or illegally.'' That is not what it says. We hear that. I hope the American people can hear that one and remember that we are seeing in this country groups of people who are in enclaves where they never learn or speak any other language. They are in New York, they are in San Francisco, they are in Los Angeles. We read about those things daily. That will not be improved by doing nothing.

Then we will hear—this is always a rich tapestry in itself—that we are all children and grandchildren of immigrants. We will all hear that. I can tell my story and everybody in this Chamber can tell theirs. We are not talking about that. We are not talking about populating a country and settling the West. We are talking about people in the United States who are brooding about illegals in their midst and show it in every poll, and then show it at the polls.

We had a man running for the Presidency of the United States who, perhaps if he were in the race, would pick

up 17 to 20 percent of the vote based on a lashing out about immigration or a move toward xenophobia, just as has happened in Germany, with a person receiving 17 to 20 percent of the vote, or in France, with another man with such views garnering 17 percent to 20 percent of the vote. Those things are out there. There is no question about them being out there.

My grandfather came here from Holland. His parents died at the age of 6. He was orphaned. He was a ragamuffin in the streets of Chicago with a tin cup, as far as I can find. Every one of us can tell that kind of story. Then he went to work as a clerk for the railroad, and he went west. Horace Greeley was right, ''Go West, young man.'' He did. He not only ended up working on the railroad, he ended up running and owning a coal mine in a little town named Kooi, WY—named after him. He was, in every sense, an American success. He died a very happy man after giving birth to my mother, and assuring the wonderful heritage I have. We can all tell those stories, and we can go on to the Irish relatives, the German relatives. All of us can tell these stories—the stories of persecution, the stories of horror, the stories of pogroms. Those are real. Those are stories of inspiration of which we can take—I think we shall call ''judicial notice.''

One other thing we should take judicial notice of, we are the most generous country on Earth. I have heard the phrase, ''why, why would we turn inward? What are we doing?'' What is American about that? Mr. President, we take more refugees in than all the rest of the world combined. We take in more immigrants than all of the rest of the world combined—combined. All immigrants, refugees, the whole spectrum.

Then we will see on the menu, passionate words about some national ID card, which has never escaped the menu, as far as I have ever known in my 17 years here. Some have played that card with a better look at a poker hand than any I can remember. I remember particularly a Congressman from California who was certainly vigorous in his pursuit of his feelings and the depth of his internalization of that. We have never talked about a national ID card in the entire time I have been working on this issue. I have put it in every single bill, that there would not be a national ID card, under no circumstances. Yet, I still hear it bandied about.

In fact, one group of worthies has even spread a curious little packet about which describes the Smith-Simpson bar code tattoo, which is certainly a grisly looking thing. But that chap must, I think, keep his day job, for he has wasted a lot of energy to try to put that kind of tilt on what we are trying to do.

We all know why employer sanctions did not work in the 1986 bill. Employer sanctions did not work because so many engaged into a cottage industry of making phony documents. We have employer sanctions but we did not want to put the burden on the employer. So we said, whatever document you are shown, the employer, cannot be responsible for the validity of it. So they just took them. I always love to explain my own here because it costs 100 bucks. We picked it up on the streets of Los Angeles. ALAN KOOI SIMPSON, Turlock, CA, a very distinguished person of less than hirsute appearance reflected here on the card. And here is my phony Social Security card. I do not know what other poor soul shares the same number with me—maybe none. But that is why nothing worked. That is why, in this bill, something will work.

I think we will keep those provisions—I hope so—because we are not talking about national tattoos. We are not talking about Nazi Germany. We are not talking about an error-filled national data base. We are not talking about a mess of an administration in some other agency of the Government. We are talking about ''doing something'' about illegal immigration. And the oddest thing to me is that the people who seem to really want to do something to illegal, undocumented people—other than thumb screws or the rack—as I often hear them speak, have failed to realize that the one thing you can do that does work and is humane is a more secure counterfeit-resistant card, or verification, or something like a telephone verification, where you slide it through some kind of electronic device, some type of computer link, or similar process. All of that can be studied under this bill in the form of pilot programs.

I will try to make an amendment that those pilot programs not simply be authorized, but that six or seven of them be required to be looked at, and then ''of course'' a vote before they would ever go into effect. We cannot get there without this. You cannot do something with illegal immigration and moan and whine and shriek about it day and night and not do something appropriate with some kind of counterfeit-resistant, tamper-resistant card, and also doing something with imposters who use the card and those who are gaming the system. That, I hope, will become a very clear fact of this debate.

And then I hope we do not hear too much about the ''slippery slope,'' because I have not seen any editorials about the fact that when you go to drop your bags at the airport, somebody asks you for a picture ID. It is not even an agent of anybody, I would guess, except the airline. But I have not seen any editorials that that is the first step, the first slide down the slippery slope toward a national ID. So it is with the American public—at least in airline travel. I do not know what it is on the bus lines, but I have a hunch that not many people here ride the bus lines. Maybe they do, but I wonder if they ask that there. If they do or if they do not, is that the first step? Is that the slippery slope toward a national ID? I think people choose to hear only what they will with regard to that.

Finally, we will hear about placing the burden on the employers. Why the argument, ''Are we doing this to the employers of America? How can we do this and make them the watchdogs of America and make them do the work of a failed Federal Government?'' Fascinating. Without employers, we would have no ability to administer the Internal Revenue resources, because the employer gathers up the withholding tax. I have not seen any editorials on that as to the burden on employers.

And now it is curious to me that I also saw an editorial the other day that said that what will happen if the bill is passed is that the American employers will find out they will have to ask somebody whether they are authorized to work. I tell you, that editorial writer has to have drilling rock instead of brain, because that one is on the books already. Since the 1986 bill, you have had to present to the employer the fact that you had an I–9, which is a one-page form authorizing you to work in the United States of America. It has been on the books now for 9 years. Did anybody miss that? I think not.

So you are going to find that that is exactly what employers already have been doing. We are trying to say—and I hope we can get this in; we will see—that if we go to a pilot program and the Attorney General finds that it is accurate and it works, and it is reliable, you will then not need to do the I–9. Skip it right there. Throw it out. But employers are the core of anything we can do with regard to immigration. We are trying to lessen the burden on employers.

The occupant of the chair cited to me a case of an employer in Alaska several years ago who asked the person in front of him for additional documents and therefore was charged with discrimination. We have corrected that completely. Not only that, we do not let them ask for 29 different documents. We have it down to six. And we say there has to be an intent to discriminate before you get nailed for it simply by asking someone for an additional document. And remember—I hope you can hear this in the clatter of the debate—that whatever we do in the way of the identifier, or more secure system, or whatever it is, will be used only twice in the course of human life—when you get a job, or when you go on some kind of public assistance, period. Whatever we have will not be carried on the person, will not be used for law enforcement, will not be any part of any other nefarious Big Brother scheme. That gets lost in the process along with so much that gets lost in the process. What we are trying to do is relieve the burden on employers. We think we can do that.

Then we do something with birth certificates. I hope we can retain that. I

think we have a good amendment which will offset the cost of that so we do not make that an unfunded mandate, because the birth certificate is the breeder document of the first order. You get the birth certificate and, with that, you go on to get the driver's license, Social Security card. You can check the obituary columns and find out the death and go get the birth certificate. These things must be corrected.

Legal immigration reform is certainly not the most popular cause that I have been involved in in my 17½ years, yet I have often been involved in such causes. What we are trying to do there is simply stop the phenomenon of chain migration. Chain migration is rather simple as you define it. There is a preference system. Remember that if you are a U.S. citizen, you can bring in your spouse and minor children, and they are not any part of a quota system. Yet they are computed in the entire scope of how many come to the United States. And then you can bring in adult, unmarried children. And also adult, married children. And then we have minor children and spouses of permanent resident aliens. Then we have brothers and sisters of U.S. citizens.

What we are saying is let us take in the spouses and minor children first, and not let somebody bring in on a single-person petition 30, 40, 50, 60, or 70 relatives—all from one U.S. citizen. That is called ''chain migration.''

I commend the Jordan Commission report to those of you who wish to read about that phenomenon, and see whether you would ''join in'' in doing something about that.

As I say, it is not a partisan issue. None of these tough ones will be partisan issues. I am sure the Democrats will caucus, and the Republicans will caucus, and we will pound each other around, and at the end of it we will realize that it is the Nation's business, and that it is always very difficult.

But one thing I want to make very clear. I note that since I will be exiting the Chamber at the end of this year, some will speak of this as ''SIMPSON's swan song.'' This bird has never looked like a swan—neither me nor the legislation. It is about a corollary of legislative activity that my friend from Massachusetts has learned well through the years. Any time you look obsessed about a piece of legislation, you are history. I can tell you that. Yet we have come further in these two bills than we have in 10 years. There are people on my side in this one who, if I had said those things 10 years ago, or 5, they would have run me out of town on a rail.

So we have some good things there. But I can assure you of this: Win, lose, or draw, up or down, I did not come here simply to have my name attached to immigration legislation. That is about the biggest political loser in the history of man. It never helped me get a single vote in three races for the U.S. Senate. In fact, people said, ''What are you doing? What are you up to? Forget it. It does not affect us.''

But it does fall upon those of us from the smaller States and districts, from areas such as Senator McCarran of Nevada, and Representative Walters of the 16th District of Pennsylvania, or Senator SIMPSON, and Mazzoli of Kentucky. The KENNEDYs of this body cannot handle this issue; the FEINSTEINs of this body cannot handle this issue; the Wilsons—when he was here—cannot handle this issue because their constituents will not allow them to do it. Yet this is one issue, one burning issue, that will not go away.

So be assured that your angular, western representative will not be chagrined in any sense with whatever this eventually looks like. But we are surely going to have a good debate. We are going to throw it all in there, get it mashed around. And if I come up with a vote of 92 to 8 on the losing side, that is fine with me. But we are going to have a vote, and we are going to have a debate. We are going to talk about things that the American public is talking about. And that is, ''What are you going to do about illegal immigration so that our social systems are not overwhelmed?'' And answer their question, ''You told us the first duty of a sovereign nation was to control its borders, and you did not do it. Why? You told us that you would do things in the national interest, and you did not do it. Why?'' And also watch what they do for themselves. People from States that do not have any real tough immigration problems at all are thinking about proposition 187 type laws. And that is disturbing.

So I hope that we pay careful attention, have a good, rich debate, and not think of swans but maybe of turkeys, or of eagles, because there is a little of each of them in all of this. There are some soaring like-eagle parts in this. And there are some things that do not match any kind of other bird activity.

But this is one that will not go away. It seems to me it is best that we address it while we are all here and in a knowledgeable, civil way, and I look forward to the debate. I look forward particularly to working with newer members of the committee, the subcommittee, and with my friend, TED KENNEDY.

I think it was either Henry James or William James who said, ''To do a thing be at it.'' And we are at it. It is an election year. But anyone who wants to use this one for pure partisan political advantage is making a most serious mistake, it is much bigger than that.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that legislative fellows Tom Perez, Bill Fleming, and Liz Schultz be granted floor privileges during the debate on the immigration bill.

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

Mr. SIMPSON. Mr. President, I ask unanimous consent that John Ratigan be granted floor privileges during the pendency of S. 1664.

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

Mr. KENNEDY. Mr. President, I would be glad to yield for a moment to the Senator from North Dakota.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3667

(Purpose: To express the sense of the Senate that a balanced budget constitutional amendment should protect the Social Security system by excluding the receipts and outlays of the Social Security trust funds from the budget)

Mr. DORGAN. Mr. President, first of all, I understand the Senator from Massachusetts wishes to give an opening statement. I appreciate his indulgence. My son is having a birthday party in about 20 minutes. I promised I was going to be there, and I intend to keep that promise.

I wish to offer a sense-of-the-Senate resolution and want to do that. But before I do that, if the Senator from Massachusetts would indulge me for about 3 minutes, let me say that the Senator from Wyoming has done extraordinary work in the Congress over these years. The Senator from Wyoming mentioned SIMPSON and Mazzoli. He is talking about himself, ALAN SIMPSON, and Romano Mazzoli, with whom I worked in the House of Representatives. They have left their mark on immigration and will again with this legislation. Much of what the Senator from Wyoming has done with respect to illegal immigration is going to be very, very important, and I commend him for his work.

We will have, of course, difficult amendments. But we will work through those. And I hope at the end of the day we will pass some legislation that moves in this direction that will be good for this country.

Now that I have said nice things about the Senator from Wyoming, he will probably now be upset with me for offering a sense-of-the-Senate amendment. But let me tell him that I will certainly agree to a time limit that is very short. I expect tomorrow we will have a vote on this.

The only reason I am constrained to offer this on behalf of myself, Senator DASCHLE, Senator REID, Senator HOLLINGS, Senator FORD, Senator CONRAD, and Senator FEINGOLD is because this will be the only opportunity to do so prior to the majority leader bringing up a constitutional amendment to balance the budget.

The majority leader has announced that he intends to take up his motion to reconsider the vote by which the balanced budget amendment was defeated. Some have said he will do it this week; if not this week, perhaps next week. Under the rules, there will

be no debate on the balanced budget amendment this time around.

So in order to have the Senate go on record on this issue prior to that, it was required that I offer a sense-of-the-Senate amendment. My amendment is very simple. I will send it to the desk. It simply indicates:

It is the sense of the Senate that because Section 13301 of the Budget Enforcement Act prohibits the use of the Social Security trust fund surplus to offset the budget deficit, any proposal for a constitutional amendment to balance the budget should contain a provision creating a firewall between the receipts and outlays of the Social Security trust funds and the rest of the federal budget, and that the constitutional amendment should explicitly forbid using the Social Security trust funds to balance the federal budget.

Because of the circumstances, there would have been no intervening opportunity to discuss this. I will offer this amendment, ask that it be sent to the desk, and that it be immediately considered by the Senate.

Before the clerk reads it, let me say that I do not intend to hold up the immigration bill, and I intend to agree to any reasonable short time agreement. Understand that this does not relate to the underlying bill, but also understand that this will be the only opportunity prior to a vote that Senator DOLE has already announced to the Senate and the country that he intends to require of us. It will be the only opportunity prior to that time for us to register on this question.

Mr. President, I ask for the immediate consideration of my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. DASCHLE, Mr. REID, Mr. HOLLINGS, Mr. FORD, Mr. CONRAD, and Mr. FEINGOLD proposes an amendment numbered 3667.

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

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

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . SENSE OF THE SENATE ON A BALANCED BUDGET CONSTITUTIONAL AMENDMENT.

It is the sense of the Senate that because Section 13301 of the Budget Enforcement Act prohibits the use of the Social Security trust fund surplus to offset the budget deficit, any proposal for a constitutional amendment to balance the budget should contain a provision creating a firewall between the receipts and outlays of the Social Security trust funds and the rest of the federal budget, and that the constitutional amendment should explicitly forbid using the Social Security trust funds to balance the federal budget.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, as we begin to consider reforms in our Nation's immigration laws, our thoughts also are with our Immigration Commissioner, Doris Meissner, and her children, Chris and Andy, as they cope with the loss of a husband and father. Chuck Meissner was serving ably as the Assistant Secretary of Commerce and he was on Secretary Brown's plane when it crashed in Croatia just 10 days ago. I know that the thoughts and prayers of all of us in the Senate go out to the Meissner family during this very difficult time.

At the outset of this debate on immigration reform, I commend the chairman of the Immigration Subcommittee, Senator SIMPSON, for his able leadership on this landmark legislation, as well as for his able leadership over many years on the many difficult issues involved in immigration.

Senator SIMPSON has always approached these issues thoughtfully and fairly and with an open mind. He is steadfast in his commitment to what he believes is best for America. And I know that all Senators of both parties join in expressing admiration and appreciation for his efforts.

As we consider immigration reform today, we must be mindful of the important role of immigration in our history and our traditions. Immigrants bring to this country a strong love of freedom, respect for democracy, commitment to family and community, fresh energy and ideas, and a strong desire to become a contributing part of this Nation.

As President Kennedy wrote in 1958 in his book, ''A Nation of Immigrants'':

There is no part of our nation that has not been touched by our immigrant background. Everywhere immigrants have enriched and strengthened the fabric of American life

Those ideals are widely shared and bipartisan. As President Reagan said in his final speech before leaving the White House:

We lead the world because, unique among nations, we draw our people—our strength—from every country and every corner of the world. . . .

Thanks to each wave of new arrivals to this land of opportunity, we're a nation forever young, forever bursting with energy and new ideas, and always on the cutting edge, always leading the world to the next frontier. This quality is vital to our future as a nation. If we ever closed the door to new Americans, our leadership in the world would soon be lost.

Across the years, both Republicans and Democrats have been true to these ideals.

Three decades ago, I stood on this floor to manage one of my first bills, which became the Immigration Act of 1965. I believed strongly then, as I do now, that one of the greatest sources of our success as a country is that we are a nation of immigrants. And I remain as convinced today as I was then that immigration under our laws is as beneficial and as needed in America today as it was in 1965 or at any other time in our history.

In 1965, it was clearly time for change in our immigration laws. We eliminated the vestiges of the racist and discriminatory national origins quota system that had denied immigration opportunities to so many for so long based on where they came from.

In the years since then, we have acted several times to strengthen and reform the immigration laws to deal with changing times, changing problems, and changing circumstances.

Congress also passed important reforms in 1986 and 1990. In 1986, the Immigration Reform and Control Act of 1986 set us on the course of removing the job magnet for illegal immigration. That landmark law, sponsored by Senator SIMPSON, made it illegal for the first time for employers to hire illegal immigrants. The reforms that we will consider today build upon that historic change in our immigration laws. And it legalized the status of over 2.7 million undocumented immigrants who had set down roots in America.

The Immigration Act of 1990—which Senator SIMPSON and I sponsored together—was the most sweeping reform of our immigration laws in 66 years. It overhauled our laws regarding legal immigration, the bases for excluding and deporting aliens, and naturalization.

THE CURRENT PROBLEM OF ILLEGAL IMMIGRATION

Today, the paramount problem we face is to deal with the continuing crisis of illegal immigration. As Barbara Jordan reminded us, ''We are a country of laws. For our immigration policy to make sense, it is necessary to make distinctions between those who obey the law, and those who violate it.'' And that's what we must do today.

The Immigration Service estimates that the permanent illegal immigrant population in the United States is now about 4 million, and that the number increases by 300,000 each year. That number is a net figure. The INS estimates that over 2 million illegal immigrants cross our borders each year. About half of them enter legally as tourists or students, but then stay on illegally, long after their visas have expired.

About 1.7 million of the 2 million illegals remain only briefly in this country to work or visit friends and relatives. But 300,000 stay on as part of the remnant illegal alien population.

The illegal immigrants are easily exploited. They tolerate low pay and poor working conditions to avoid being reported to the INS. Their presence depresses the pay and working conditions of many other Americans in the work force. They compete head-to-head in the job market with Americans just entering the work force and with working American families struggling to make ends meet.

Part of the answer to this problem is the increased support in this bill for

border patrols in order to prevent the entry of illegal aliens.

But jobs are far and away the biggest magnet attracting illegal aliens to the United States, and we cannot turn off that magnet at the border. We must do more to deny jobs to those who are in the country unlawfully. The most realistic way to turn off the magnet is contained in the provisions that Senator SIMPSON and I sponsored which require the President to develop new and better ways of identifying those who are eligible to work in the United States.

After 3 years of pilot tests, the President is required to present a plan to Congress for a new approach that will deny jobs to illegal immigrants, will be easy for employers to use, will not cause increased employment discrimination, and will protect the privacy of American citizens.

Our provisions state clearly that this system will not involve a national ID card. And our provision provides added insurance by requiring that any plan the President develops must be approved by Congress before it can go into effect.

REFUGEES AND ASYLUM

A further goal for immigration reform is to provide safe haven for refugees fleeing persecution. We should not place arbitrary caps on the number of refugees we decide to bring to the United States for resettlement. The Immigration Subcommittee chose instead to let this number to continue to be set annually, under the terms of the Refugee Act of 1980, and in cooperation with other governments. I was pleased to join with Senator GRASSLEY in addressing this issue in the subcommittee.

We should also oppose arbitrary limits on how long those fleeing persecution can wait before applying for asylum after they enter the United States. The Immigration and Naturalization Service has already made dramatic progress in addressing the abuses that have plagued our asylum system in recent years. In the past year alone, the number of asylum applications has dropped by 57 percent.

Mr. President, this chart indicates what progress has been made in the very recent years. Going back to 1994: asylum claims, 120,000; the completed cases, 60,000.

This year, in 1995, INS received 53,000 new asylum claims and completed 126,000 cases. This is as a result of a variety of different, very constructive actions that have been taken by the INS.

The blue line represents those completed cases. The red lines represent the new claims. So, clearly we see the asylum claims decline by 57 percent as productivity doubles in 1995. Clearly we are making important progress in this area. It has been as a result of a great deal of time consuming, exacting, hard work that has been initiated by the INS. Enormous progress has been made.

We will hear this issue debated. It seems to me we are on the right track already with the INS reforms, and the kinds of suggestions that have been included in the current legislation should give many of us pause.

I commend, in particular, Senator DEWINE, who made a strong case that a 30-day asylum application deadline, originally proposed in the legislation, would exclude those who face the gravest persecution. They are the ones who take many months to organize their affairs, contact an attorney, and gain the confidence to approach the INS with their painful and tragic stories. I believe the 1-year deadline adopted by the committee is a reasonable way to accommodate such humanitarian cases.

The bottom line is that the cases where there appears to be the greatest validity of the persecution claims—the ones involving individuals whose lives would be endangered by a forced return to their particular countries—are often the most reluctant to come forward. They are individuals who have been, in the most instances, severely persecuted. They have been brutalized by their own governments. They have an inherent reluctance to come forward and to review their own stories before authority figures. Many of them are so traumatized by the kinds of persecution and torture that they have undergone, they are psychologically unprepared to be able to do it. It takes a great deal of time for them to develop any kind of confidence in any kind of legal or judicial system, after what they have been through, and to muster the courage to come forward.

That conclusion has been reached by a number of those who have been studying this particular problem. The initial proposal of requiring that there be action taken within 30 days of the person's arrival in the United States failed to understand what the real problem is—and fails to understand the remarkable progress that INS has made in this particular area.

I remain concerned that the so-called expedited exclusion procedures in the legislation will cause us to turn away true refugees. Under this procedure, when a refugee arrives at a U.S. airport with false documents and requests asylum, that person can be turned away immediately if the INS officer believes the person does not have a credible claim. There is no hearing, no access to counsel, not even a requirement for an interpreter.

If it were not for the courageous efforts of Raoul Wallenberg in providing false documents to Jews fleeing Nazi Germany during World War II, many thousands of persecuted refugees would have had no means of escape. This provision runs the risk of turning away all those whom the Raoul Wallenbergs of the future seek to assist.

All we have to do is review the recent history in El Salvador and Nicaragua, and be reminded of some of the egregious kinds of circumstances have been revealed here in the last week or 10 days by members of the religious community, to understand what the real conditions were. To think that an individual who might be able to get out of that oppressive atmosphere with some false documents, with a very legitimate fear of persecution, and come to the airports of this country and be turned away summarily and sent right back on the next plane, is something that I think deserves reevaluation during the course of this debate.

PUBLIC ASSISTANCE

In addition, the immigration reforms in this bill will reduce access to public assistance by illegal immigrants. Illegal immigrants should have access to assistance only in limited situations, where the public health or similar overriding public interest clearly requires it. For example, they should have emergency medical care, immunization, treatment for infectious diseases. These benefit all, because they relate to the public health and are in the public interest. Where the public interest is not served, we should not provide the public assistance to illegal immigrants.

A main issue, however, is how to deal with public assistance for illegal immigrant children in public schools. In an extraordinarily unwise and inhumane action, Republicans in the House, at the urging of Speaker GINGRICH, voted to give States the option to expel such children from their schools. We all know why illegal immigrants come here. As I have said, the magnet is jobs. It is ludicrous to argue that anyone would uproot their family, pay exorbitant sums to a smuggler to cross the border and risk their lives in the effort, all so their children can attend public schools in the United States.

A study by the Committee on Illegal Aliens during the Ford administration concluded that ''the availability of work and the lack of sanctions for hiring illegal aliens is the single most important incentive for migration.'' That has been the conclusion of the Ford administration, the Jordan Commission, the Hesburgh Select Commission on Immigration and Refugee Policy—all have found that the magnet is jobs. That is what we ought to focus on. That is where we ought to give our attention.

As I indicated, this finding was confirmed by the Hesburgh Commission in 1981, and again more recently by the Jordan Commission, which found that ''employment opportunity is commonly viewed as the principal magnet which draws illegal aliens to the United States.''

We are making steady progress in finding new and better ways of denying jobs to illegal immigrants. It is a serious mistake, and hypocritical, for Republicans in Congress to oppose or weaken this bill's requirement on employers, who are at the heart of the problem, and then punish innocent children, who are not the problem, by expelling them from school. So, I urge the Senate to reject the Speaker's attempt to make Uncle Sam the bully in the schoolyard.

That kind of policy is not only cold and cruel, it is also shortsighted and counterproductive. It may cost money for those children to attend school. But, if they do not, society will end up paying for it in other ways. Police will have major new crime problems on their hands from children out of school and on the streets and into gangs. Teachers will have to start checking the papers of all pupils, whether they are citizens or not. Before starting school each year, children across America would be required to bring documents to school to prove they are American citizens or legal immigrants.

All across America, teachers will have to learn to distinguish between the new green card and the old invalid ones. They must know what refugee documents, passports and valid Social Security cards look like.

School administrators and police have already spoken strongly against this proposal. They are the ones who must deal with the crime and other social problems that will inevitably develop.

What we are basically doing is requiring our schoolteachers, in many different school districts, to turn into police officers and truant officers. Teachers are there to teach children. They have enough challenges to face every day without adding this burden to them. Now, to put the burden on every one of these schoolteachers to become truant officers, and effectively policemen, is unacceptable public policy.

The case has been made by the law enforcement officials, who say you are either going to pay one way or the other. You are going to pay for the students who are going to the schools or you are going to pay for it in terms of crime and a host of other social problems if they do not go to school.

You can imagine, too, Mr. President, a mother who comes over to this country with a child who is a toddler. She brings the child here, then has a baby here in the United States who is an American citizen. That American citizen child goes to the school and his older brother or sister, who is an illegal immigrant, does not. That child is out on the street. That is a wonderful situation, which we are going to absolutely face in this kind of proposal.

The parents would not leave America just because their children cannot go to school. The parents have no choice. They came here because they could not find work at home and they will not go away as long as they can get away with working here illegally and I urge the Senate to reject any such cruel and mindless attempt to punish the children for the sins of the parents.

CONSIDERING ILLEGAL AND LEGAL IMMIGRATION SEPARATELY

In general, this bill does not address the issues of legal immigration. The Senate Judiciary Committee voted 12 to 6 to consider those issues separately and the House of Representatives voted 238-to-183 to do the same. I expect we will have a vote on legal immigration matters later in the debate. I plan to oppose such a move. We must not allow our rightful concerns about illegal immigration to create an unwarranted backlash against legal immigrants who enter under our laws, play by the rules, raise their families, pay their taxes, and contribute to our communities. Combining these issues in a single bill creates precisely that unacceptable possibility. Addressing these matters separately does not mean deferring legal immigration reforms indefinitely. Reforms are required in legal immigration. It is my hope that we can address them soon, but separately.

SAFETY NET FOR LEGAL IMMIGRANTS

In fact, this bill does contain certain provisions relating to legal immigration, and I voted against the entire bill in the committee because of these provisions. They go too far in denying a safety net to legal immigrants. These legal immigrants enter under our laws, play by the rules, pay taxes, contribute to our communities and also serve in the armed services. They deserve a safety net when they fall on hard times.

The record is very complete, Mr. President, that those who are the legal immigrants do not have a greater dependency in terms of these supportive programs than Americans, with the exception of the SSI Program for the elderly. But in these other areas, I can give as many studies that demonstrate that legal immigrants make greater contributions—in terms of paying taxes, by participating in the community, by payroll taxes, by sales taxes, by all of the other factors—than they absorb from the system. If we need to, we will have an opportunity to examine the various studies when we come to the particular amendments. But I do believe the legal immigrants deserve a safety net when they fall on hard times, and I support the provisions in this bill to make sponsors more accountable for the immigrants that they sponsor.

Senator SIMPSON is right not to ban legal immigrants from any program. Instead, the bill's deeming provisions count the immigrant sponsor's income as part of the immigrant's own income in determining whether the immigrant meets the eligibility guidelines for public assistance. For the first time, however, the deeming provision would be broadened by the bill to apply to every means-tested program.

Under the current law, deeming applies only to SSI, AFDC, and food stamps. But under this bill deeming would apply to scores of other programs including school lunches, homeless shelters, community clinics, and even one of the most important means of protecting the public health, the Medicaid Program. Under this bill, illegal immigrants get emergency Medicaid, immunization, treatment of communicable diseases, disaster assistance, and certain other types of aid—no questions asked. But legal immigrants who come here under our laws and play by the rules can get this assistance only after they go through the complicated deeming process. That gives illegal aliens a benefit that legal immigrants cannot receive. It is unfair, and I intend to offer an amendment to correct this injustice.

I am also concerned with the denial of Medicaid to legal immigrants unless they overcome the deeming hurdle. As a practical matter, deeming means that virtually no legal immigrant will get Medicaid assistance. Experience has shown that deeming is very effective in denying access to public assistance programs. I am particularly concerned that this will hurt children and expectant mothers.

I also believe legal immigrants who have served in our Armed Forces should also have a Medicaid safety net for their families in hard times.

Legal immigrants can join the Armed Forces. We have over 20,000 legal immigrants in the Armed Forces today. That young person, who might not have been able to get into college, comes back from Bosnia and wants to go to college and then makes an application and goes to that college and gets a Pell grant for 1 year—for 1 year. And then that young person graduates. He might have been a 19- or 20-year-old kid that for 1 year took the Pell grant. And as a result of that single action, for the rest of his life, he is subject to deportation—immediate deportation. This could occur even after he had served honorably in the Armed Forces.

There may be a lot of heat about doing something about illegal immigration, Mr. President, but that is one of the most extraordinary positions for this country to take. We have a Volunteer Army, certainly now, but when we did not have a Volunteer Army, we had the draft. Legal immigrants are subject to the draft. Some had gone to Vietnam. A number of them were actually killed. Now we are saying if, at any time in the future, they have any particular need, in order to get a benefit, they are going to have the deeming process for the purposes of that particular program.

That is going to be true with regard to the Stafford loans as well. These are programs that are repaid. These are not considered to be welfare programs. They are education programs. We will come back to that issue later in the discussion. These are matters that need attention and focus and amendments.

FAMILY IMMIGRATION

Our immigration laws must continue to honor the reunification of families. I agree it is necessary and appropriate to reduce the number of legal immigrants coming to the United States each year. Obviously, the door is only partly open now and can fairly be closed a little more without violating the Nation's basic ideals of our immigrant heritage and history.

But in achieving such reductions, we must keep certain fundamental principles in mind. We must continue to reunite families. We must remain committed especially to the reunification of immediate family members. Spouses and minor children and parents should be together.

I also believe our citizens should have the ability to bring their adult brothers and sisters to America. We should act to reduce the troubling backlogs that have kept husbands, wives and children separated for many years.

The Judiciary Committee adopted an amendment, which Senator ABRAHAM and I proposed, to reduce overall legal immigration, to establish new priorities for family-based immigration. Our proposal would make visas available to more distant family members only if the more immediate family categories do not need them. For example, brothers and sisters would not get visas as long as there are backlogs of spouses and children.

In this way, we address the concern raised by many about chain migration, the ability of a citizen to bring in a brother, who in turn brings in his wife and children. Once his wife is a citizen, she can then bring in her parents and other family members, and there is an endless chain of immigration. We ought to address that issue.

We believe the amendment that was accepted by the Judiciary Committee recognizes the important recommendations by the Jordan Commission that said give focus and attention to the immediate families. We have done that. We have defined that in a way that we think also includes clearing up of the backlog before there can be any consideration of reunification by the brothers and sisters.

The Kennedy–Abraham proposal solves the problem of family categories that create these chains. These are categories that Senator SIMPSON proposed for total elimination. Our proposal says that these categories remain, but they get visas only if the closer family categories do not need them. And our proposal reduces the level of legal immigration below current law.

After the committee's adoption of the Kennedy–Abraham amendment, the Immigration and Naturalization Service released higher projections of the number of family immigrants expected to enter this country over the next few years. Even under these new projections, our amendment reduces the total immigration below current law. However, we will modify our proposal to provide added insurance that it does fall below the current law.

Mr. President, some in this debate will praise the contributions of immigrants with one breath and then propose to slash family immigration in the next breath.

They say, ''We want your skills and ingenuity, but leave your brothers and sisters behind. We want your commitment to freedom and democracy, but not your mother. We want you to help us rebuild our inner cities and cure diseases, but we do not want your grandchildren. We want your family values, but not your families.'' I urge the Senate to reject this hypocrisy and treat immigrant families fairly.

DIVERSITY IMMIGRATION

Mr. President, reforms in legal immigration also must retain the diversity program established in the Immigration Act of 1990. This small but important program provides visas to countries that have low immigration to the United States and are shortchanged by our immigration laws. A number of countries made good use of this program in the past 6 years. These countries otherwise would have little or no immigration to the United States, such as Poland, South Africa, and Ireland. The Judiciary Committee agreed to retain the program, but reduced the number of visas available each year from 55,000 to 27,000.

PROTECTING AMERICAN WORKERS

Increasingly, Mr. President, in recent years we have come to realize that our immigration laws do not adequately protect working families in America. Reforms are urgently needed here. I intend to offer them at the appropriate time. In spite of the net creation of more than 8 million new jobs in the economy over the past 3 years, and in spite of continued low unemployment and inflation, and in spite of steady economic growth—job dislocations and stagnant family income are leaving millions of American working families anxious and unsettled about their future.

Since 1973, real family income has fallen 60 percent for all Americans. More than 9 million workers permanently lost their jobs from 1991 to 1993. Even as new jobs are created, other jobs have been steadily disappearing at the rate of about 3 million a year since 1992.

In the defense sector alone, more than 2 million jobs have been lost since the end of the cold war. About 70 percent of laid-off workers find another job, but only a third end up in equally paying or better jobs. What we are witnessing is a wholesale slide toward the bottom for the American worker. According to Fortune Magazine, the percentage of workers who said their job security was good or very good declined from 75 percent in the early 1980's, to 51 percent in the early 1990's. In a 1994 survey of more than 350,000 American workers, the International Survey Research Corp. found that 44 percent of American workers fear they may be fired or laid off. In 1990, the figure was only 20 percent.

For the first time ever there are more unemployed white-collar workers than blue-collar workers in America. Yet most of the foreign workers who come in today under our immigration laws are for white-collar jobs. With corporate downsizing and outsourcing, a quarter of the American work force is dependent on temporary jobs for a living. Yet under the immigration laws, we admit hundreds of thousands of foreign workers for so-called temporary jobs which are defined in the immigration laws as jobs that can last up to 6 years.

As working families in America try to put food on the table, employers are bringing in hundreds of thousands of foreign workers into good, middle-class jobs. Yet in most cases they are not even required to offer the jobs to Americans first. We understand that they are bringing in the foreign workers from overseas without even the requirement to offer those jobs to Americans first.

As American workers become increasingly concerned about job security and putting their children through college, it is perfectly legal under the immigration laws for employers to lay off qualified American workers and replace them with foreign workers and offer them a lower wage.

A new study released last Friday by the Labor Department's inspector general proves that the current means of protecting American workers under the immigration law simply do not work. Charles Masten, the inspector general, reported to Labor Secretary Reich:

> The programs do not protect U.S. workers' jobs or wages from foreign labor. Moreover, we found [that the] Department of Labor's role under the current program design amounts to little more than a paper shuffle for the program and a rubber stamping of applications. We believe program changes must be made to ensure that U.S. workers' jobs are protected and that their wage levels are not eroded by foreign labor.

The report of the inspector general is astounding. He found that 98.7 percent of workers whom employers are supposedly bringing into the United States are in fact already here. So when employers go through the charade of trying to recruit Americans first, the foreign worker is already here 98 percent of the time. And 74 percent of those foreign workers were already on the employers' payroll at the time the employer was supposedly required to recruit for American workers first. Do we understand that? So 74 percent of the foreign workers were already on the employers' payroll at the time the employer was supposedly required to recruit for American workers first.

Among workers that employers sponsor as immigrants, 10 percent never worked for the sponsoring employer. Once they got their green card, they immediately went to work for someone else. Of those who did actually work for the sponsoring employer, fully one-third left the job within 1 year. In effectively 60 percent of the cases, employers do not even bother to fill the job again once the immigrant leaves. In most cases in which the employer does refill the job, an American is hired 75 percent of the time.

These figures prove that the jobs are offered as a sham to get a particular immigrant a green card once they go through this hocus-pocus. That is a sham. They already have the worker in

place. As I will point out later, only 5 Americans out of 28,000 that have applied for these jobs, if they were basically offered them, have ever gotten the job. So they are filled with foreign workers. There is a reasonable chance that they have fired American workers previously.

Then once those workers are working and have gone through this process, they leave. They leave the employment, and then the employer goes out and gets somebody else. It is basically a sham. It places American workers at an enormous disadvantage. The inspector general says that over the period of his audit, the employment service referred 28,000 U.S. workers for interviews for 10,000 jobs that employers wanted to give to immigrants, and only five U.S. workers got the jobs. That is outrageous. These figures apply to the category of ''permanent immigrant workers.''

But the inspector general also found rampant abuse of American workers in the temporary worker program. There are two programs, Mr. President. There is the permanent program, where we have the authorization of up to 140,000 of what will be called the best and the brightest. I am going to come back to that. A more modest figure was approved here in 1990, but came out of the conference at the 140,000.

Some of those entering—for example, the Nobel laureate types—really are the best and the brightest. They can come into the United States without any requirement by the employer to recruit U.S. workers first. That is defined currently into law. I support that program.

All other permanent employment-based immigrants have go through the labor certification process—a procedure of reaching out to American workers.

That whole process is a sham. That whole process is a sham. That is what the IG report has pointed out—that 97 percent of the workers are already in their jobs and that they have been working there already for some period of time. Out of 28,000 applications, only 5 Americans got the job. And once the foreign workers get their permanent status, they can then leave because they effectively have their work permit, their green card. They can go for some other job. It is a revolving door. It is a sham in terms of protecting American workers.

The second program is for what is called the temporary workers. Up to 65,000 come in each year, though the number varies from year to year. For those individuals to enter—all we need is an employer to say that this individual has either the equivalent of a college education or 2 years of work experience. They do not have to go out or even go through the process to try to get American workers. Once they are in there, they can be in there for 6 years. That is a temporary job. What happens is they come in on a temporary worker visa, they stay for the 6 years allowed, they want to be here permanently, so they ask their employer, ''Look, I've been 6 years in my job. Will you go for one of the permanent ones for me?'' The employer says, ''OK. I know you have worked for us. I will make that application.'' Once they get it, they get the green card and go out the door.

That is effectively what is happening. It is a sham protection, something which is absolutely wrong and has to be redressed.

Now, Mr. President, I want to just take a moment of the time of the Senate to really get into where we are on these issues of the permanent work force and the temporary work force. This chart shows the permanent work force, the provision that said we need to open up the work force to let these best and the brightest come on into the United States of America. I remember that debate very clearly here. I believe it was the Senator from Pennsylvania, Senator SPECTER, who offered it at that time as part of the Immigration Act of 1990.

The Department of Labor did surveys of which industry employees could help energize the American economy at that time. Those would be individuals who, when placed in a particular industry, could multiply jobs because they were the best minds, and had special training and ability, and could add that special kind of insight, expertise, knowledge, and creativity to expand employment. It was perceived at that time, according to the National Science Foundation, that we were going to have critical shortages of scientists during that period of time. That is why Congress adopted the 140,000 number.

Now, looking at who has been included under the ''Best and the Brightest'' under this chart. As this chart reveals, very few are actually the best and brightest—the Nobel Laureate-type or some unique type of academician or expert. These are let in without labor screening.

The rest are let in here through the sham process of requiring employers to recruit U.S. workers first.

We took the time to go and see who these are. It is very interesting who they are: 12.9 percent are cooks; 10 percent are engineers on this chart; professors, 7.3 percent; also includes accountants and auditors, auto repair, tailors, jewelers. The area of ''computer-related'' is 17.8 percent; 31 percent are all less than 1 percent of those coming in here.

Mr. President, we have seen, as most recently the National Science Foundation has pointed out, the figures of 6 or 8 years ago, having shortages in various skills, they now find did not come about. Today, we have 60,000 qualified unemployed American engineers. Yet about 6,000 foreign engineers came in as immigrants. We have 60,000 Americans who are qualified for that position. They are never given the opportunity to really try for that position.

What is wrong with American workers? What is wrong with those? Nonetheless, we have heard the power of many of the business interests who said, ''Do not tamper with that particular provision. Do not tamper with it because it will effectively stop our economy.''

Mr. President, we ought to look and see that today under the more recent studies that have been done all indicate that with the exception of that very small group of the best and brightest—that amounts to about 20,000, which includes their families—we really do not need the sham recruitment requirement that is in current law. We certainly ought to establish a way to make sure that we will ask and find out if there are Americans ready, willing, and able to do this job before we bring in the foreign workers.

Now, Mr. President, looking at the other provision, where we talk about the temporary workers—the alleged temporary worker provision; 65,000 can come in each year under the immigration law. This chart gives an idea, in the black, which are the temporary workers, of the salaries they make. Look at the salaries they are making. If you take the two columns together, which is about 85 or 90 percent of all of the workers that come on in here as the temporaries, they are making less than $50,000.

Where are all the geniuses? Where are the Albert Einsteins that keep coming in here? Where are all of these people, when close to 90 percent of them are making less than $50,000? It is only the small numbers that come in up at this level that are the ablest and most gifted, the ones that really provide the impetus in terms of the American economy. They ought to be able to come on in to this country and provide their skills.

Mr. President, when we get down to it, we find that the great numbers are basically white-collar kinds of jobs—$50,000—that is a good salary. And they are effectively displacing the Americans from these solid, good, middle-class jobs.

Mr. President, let us look now at who is coming in under the temporary worker program. These are individuals where all the employer has to say is that the individual coming over has completed college or had 2 years of experience, and the employers provide what are called ''attestations'' that they will pay them a reasonable wage. These are the temporaries. Half of them are physical therapists. Mr. President, 50 percent of them are physical therapists. It was true that we had a shortage of physical therapists at one time. But our labor market is recovering now.

Mr. President, 23 percent are computer-related. The rest fall into a wide variety of different categories.

Mr. President, when we have 50 percent in this program who are physical therapists when so many community colleges and other fine schools and State universities are producing them today, individuals who want and deserve to be able to have a crack at the

job, and we are bringing that kind of percentage in here, it does not make sense. It does not make sense, Mr. President. We are effectively denying good, decent jobs to Americans that want to work, can work, have the skills to be able to work, so that others—foreigners—can come in.

What happens, Mr. President, is that those who come in under this program that I just mentioned here, the H–1 Program, are exploited. Why? Because they cannot leave the job that they are on. If they leave, they are illegal. So once they sign up, they are stuck with that employer for the whole 6 years, with no guarantee that they will have to receive any level of wages. Once you bring that person in, you can lower their wage—absolutely lower their wage—and get away with it. You can deny them any benefits at all.

What we will hear from the other side is that there can be an investigation of their conditions on being exploited. The only thing you have to do is get a complaint from someone. Well, who in the world is ever going to complain when they know once they complain they can be thrown out of the country? Under the Republican proposal, the Department of Labor cannot interfere even if they have reason to believe there is exploitation on this, unless they receive a complaint. Anything else has been prohibited under the Republican proposal.

Mr. President, this is a matter, I believe, of importance and consequence to working families. These are important jobs where Americans are available. In each of these categories, except at the very top level of immigration, there are more than enough Americans who are available for those jobs, and who want those jobs. Those are good jobs. Still, we find that they are unable to compete. I think that is wrong.

No piece of legislation ought to go through here that has that kind of depressing effect on wages, because, as I mentioned before, once someone enters under the H–1B program, they can drive the wages right down. They can replace American workers. Once employers get the foreign worker in, they can drive the wages down, which they more often do than not. We have had testimony in our Subcommittee that supports that. We had the testimony of a small businessman down in southern Texas that supplied workers for a number of companies in Texas who came up and asked him to replace his American workers with foreign workers in order to drive his costs down. It is absolutely wrong. We will have a chance on this legislation to work it through.

I see others that want to speak on the measure. Let me move toward a final item. Mr. President, with regard to the employment programs, as I mentioned before, both the IG from the Labor Department and the testimony is really quite complete. This is an area that ought to be addressed because of its impact in terms of American workers and the fact that it really, when we look behind the curtain of these programs, you find out there are good jobs that Americans are qualified for and that they deserve.

There are two, and only two, legitimate bases for employment-based immigration.

First, it can bring the world's best and brightest into our country to create jobs and improve our competitive position. We should welcome legitimate scientists, legitimate business leaders, legitimate artists and performers without hesitation. They enhance our economy, create jobs for U.S. workers, enrich our cultural life, and strengthen our society.

Second, employment-based immigration can meet skills shortages that arise in a growing economy, particularly an economy like ours that relies heavily on scientific and technological innovation for its growth and success. In certain circumstances, an employer's demand for skills cannot be met with sufficient speed or in adequate quantity by U.S. workers. In these circumstances, foreign workers can fill the skills gap, while the domestic labor market and the education and job training system adjust to the rising demand for workers with new or different skills.

Clearly, there are legitimate purposes for employment-based immigration. But we must also recognize that allowing employers to bring in foreign workers has an adverse effect on U.S. workers. Remaining globally competitive should never mean driving down the wages of U.S. workers and increasing their growing sense of insecurity in the workplace.

Instead, in reforming the employment-based immigration programs, we must assure that U.S. workers have a fair opportunity to get and keep good jobs and raise their family incomes. Four changes in the current system are needed to give U.S. workers this assurance of fairness and opportunity.

First, we must protect U.S. workers who already have good jobs from being laid off and replaced with foreign workers. With all the talk of job insecurity, corporate and defense downsizing, and stagnant family income, working families have a right to know that the immigration laws are not being abused to take away their jobs.

Second, we must give U.S. workers who have the skills and are willing, available, and qualified for these jobs a fair opportunity to be recruited for those jobs. Maintaining a strong and growing economy requires that U.S. workers obtain the training they need to merit global competition, and that they have a fair opportunity to use their skills in high-wage, high-skill jobs. We cannot expect working families to improve their economic status if we post ''Road Closed'' signs on the road to higher standards of living.

Third, when a job can be filled by a U.S. worker with a reasonable amount of training within a reasonable period of time, we must assure that the U.S. worker has a fair opportunity to obtain that training and get that job.

Fourth, and more generally, we must give U.S. workers a better chance at getting high-wage, high-skill jobs, without shutting off the safety valve of access to foreign labor markets that some employers may need to meet demands that U.S. workers cannot supply in sufficient quantity or with sufficient speed.

THE PERMANENT IMMIGRANT WORKER PROGRAM

There are two ways for employers to obtain foreign workers for jobs in the United States. The workers can be admitted permanently and become lawful permanent residents through the permanent immigrant worker program. Or, they can be admitted temporarily through one of several temporary, or nonimmigrant, worker programs.

Under current law, 140,000 foreign workers can be admitted into the United States each year through the Permanent Immigrant Worker program. These workers can run the gamut in skills from the most advanced Nobel Prize scientist to unskilled housekeepers and busboys.

One of the most significant changes we made in our system of legal immigration in 1990—the last time we attempted to reform employment-based immigration—was to increase by nearly threefold the numerical ceiling on employment-based immigrants. The number rose from 54,000 to 140,000 each year, and the changes also favored higher skilled immigrants. We did so because of dire warnings of serious high-skill labor shortages that we were all concerned would harm our economic growth, global competitiveness, and our potential to create high-skill, high-wage jobs for U.S. workers.

But these labor shortages never developed. In fact, actual use of the employment-based immigrant program for skilled workers has never come close to reaching the new ceiling level, and it has declined in the last 2 years. The closest we came to the ceiling was in 1993 when nearly 27,000 visas were used for Chinese students under the now-expired Chinese Student Protection Act. Another 10,000 visas were used for unskilled workers.

Use of the employment-based immigrant program for skilled workers and unskilled workers over the last 5 years has been well below the ceiling. In 1993, we admitted a total of 110,130. In 1994, we admitted 92,604, a 16-percent reduction from the previous year. In 1995, we admitted 73,239, a 21 percent reduction from the previous year. In sum, the numbers are well below the cap, and they have also been declining in each of the past several years.

At a time when we are seeking moderate reductions in legal immigration and reducing the visas available for reunifying families, we should also be reducing the employment-based immigration—especially when the positions are not being used and the trend-line is down. It is not fair that the whole

weight of the reductions in the number of legal immigrants should be borne by families and diversity immigrants.

Reducing the ceiling on employment-based immigration is not the same as cutting employment-based immigration. In fact, the reform I intend to propose—adjusting the cap on employment-based immigration from 140,000 to 100,000—would allow actual employment-based immigration to grow by one-third in future years—from 75,000 in 1995 to 100,000. Under current law and the pending bill, the program would nearly double in size.

It is clear that we went too far in 1990 when we increased the ceiling on employment-based immigration to 140,000. The three-fold increase was not needed and has not been approached by actual use. We should pare it back to the more reasonable number of 100,000, as recommended by the Jordan Commission and the Clinton administration. That line still allows reasonable growth in this category, and it also protects our national interest in economic growth, global competitiveness, and domestic job creation.

But immigration is about a great deal more than numbers. It is fundamentally about people. When we consider employment-based immigration, we must have a clear understanding of the kind of people we are admitting to our country and what skills and abilities they are bringing in with them.

Under current law, we divide permanent immigrant workers into two categories: immigrants who are subject to labor certification and immigrants who can be admitted without labor certification.

Labor certification is supposed to serve as a requirement that employers first recruit U.S. workers for a job, before seeking immigrant workers. Some workers are so exceptional that we should admit them regardless of the state of the domestic labor market. But employers should be permitted to obtain other foreign workers only if no U.S. workers with similar skills are willing, available, and qualified for the jobs into which the immigrant workers will be placed.

Those who are not subject to labor certification fit into the best and brightest category. In 1995, the category included 1,200 aliens of extraordinary ability, including recipients of major honors, great commercial success, or leadership positions in their field; more than 1,600 outstanding professors and researchers; almost 4,000 multinational executives and managers; and almost 3,000 special immigrants, who are primarily outstanding clerics.

The best and brightest are the job creators, men and women whose contributions to our country will undoubtedly be dramatic and substantial. We should welcome them without hesitation. Current law permits it, and should remain unchanged.

The workers subject to labor certification, on the other hand, are rarely the best and brightest. They are skilled workers, workers with advanced degrees or baccalaureate degrees. Under current law, up to 10,000 of them can be unskilled workers.

There is no reason for employers in this country to bring in unskilled immigrant workers. There is an abundance, even an overabundance, of unskilled U.S. workers looking for work. The Judiciary Committee supported my amendment almost unanimously to delete the unskilled category from the permanent immigrant worker program. Plainly, unskilled immigrants do not fit into either of the two categories of workers who should be welcomed into our country—the best and brightest and workers needed to fill skills shortages.

Apart from unskilled workers, the immigrants subject to labor certification are professionals with advanced degrees, professionals with baccalaureate degrees, and skilled workers. They may be needed to satisfy skill shortages. But employers may also put these workers in competition with thousands of U.S. workers for jobs that could be filled from the domestic work force.

Employers use these permanent immigrant workers to fill many positions—cooks, computer programmers, engineers of all types, teachers, retail and wholesale managers, accountants and auditors, biologists, auto repair mechanics, university professors, and tailors.

One useful measure of the skill level of these workers is their salaries. Employers tell the Labor Department how much they plan to pay the skilled immigrants they are seeking. Eighty percent of the jobs for foreign workers subject to labor certification pay $50,000 a year or less. Fewer than 3 percent of these jobs pay $80,000 or more.

A small number of employers use this employment-based immigration program to seek out the best and brightest, but it is clearly the exception, not the rule. A large number of working families in Massachusetts and across the United States would be gratified to have an opportunity to earn $50,000 a year working in computer programming. It is vitally important that we make certain that employers use this immigration program only to fill jobs for which qualified U.S. workers are not available.

We must have a labor certification process which actually results in employers successfully recruiting U.S. workers for these skilled jobs. At present, the Department of Labor certifies an employer's application for an immigrant worker based on a complex, labor-intensive, and expensive preadmission screening system. The current system does not and cannot assure that the conditions required for certification are actually achieved when the immigrant worker is employed. The Commission on Immigration Reform estimated that labor certification costs employers $10,000 per immigrant for administrative, paperwork, and legal costs.

To bring in these skilled immigrants, an employer must demonstrate that it was unsuccessful in finding a qualified U.S. worker to do the job, and that the job will pay at least the locally prevailing wage. Any employer who uses this employment-based immigration system will tell you that it takes a long time and an excessive amount of documentation.

The basic problem with this labor certification system is not that it is expensive and time consuming, but that it does not assure that able, available, willing, and qualified U.S. workers get the jobs. In fact, there is very little genuine recruitment.

Consider the case of Tony Rosaci and the members of his local union. Tony is the secretary-treasurer of Iron Workers Local Union No. 455 in New York City. The members of this local union helped build New York. They were the backbone of the effort to rehabilitate the Statue of Liberty. But when well-qualified members of the local union responded to more than 65 help wanted ads placed in New York newspapers by employers seeking permanent immigrant workers, they were rejected each time in favor of foreign workers. There were 65 referrals of qualified U.S. workers, and 65 rejections.

The story of Tony Rosaci's union members is not the exception. The Labor Department inspector general found that in all of the cases where employers complete the labor certification process, their recruitment efforts do not result in a U.S. worker getting the job in 99.98 percent of the cases—99.98 percent. That means a U.S. worker gets hired only 1 in 5,000 times. The system isn't working. It is badly broken.

U.S. workers do not have a fair opportunity to get these jobs because, in the overwhelming majority of cases, there is already a foreign temporary worker in the job who is trying to adjust to permanent status. The image that we all have of foreign workers waiting in their home countries until they are admitted to the United States under the employment-based immigration system is a fallacy.

In 1994, 42 percent of labor certified workers who gained permanent admission came directly from the temporary worker program. Some unknown additional number are either working illegally for their employer, or simply leave the country for a short period of time to expedite their application for permanent admission to the United States.

The Labor Department estimates that as many as 90 percent or more of the foreign workers admitted permanently to the United States have worked for the same employer who is helping the worker adjust to permanent status. Simply put, U.S. workers cannot get these jobs, because foreign temporary workers or illegally employed foreign workers are already in these jobs.

Employers use the labor certification system to make it look as though they are engaging in genuine recruitment. In reality, they intend all along to keep the foreign workers who are already working for them. Employers frequently create position descriptions for which only the incumbent worker can qualify. As a result, referrals of well-qualified U.S. workers in response to advertisements for these jobs—the humiliating experience shared by the members of Tony Rosaci's local union and thousands of other U.S. workers—waste everyone's time and add insult to injury for U.S. workers.

This system is a sham. It must be changed to give U.S. workers the fair opportunity they deserve to get these high-wage, high-skill jobs, and assure the public that the employment-based immigration system serves its stated purpose.

U.S. workers deserve a fair and genuine opportunity to get and keep high-wage, high-skill jobs before they are filled by the foreign temporary workers who will later become permanent immigrant workers. The best opportunity for U.S. workers to get these good jobs is at the front end of employment-based immigration—before foreign temporary workers fill the vacancy.

To achieve this goal, we must reform the temporary worker program—the principal path through which foreign skilled workers are admitted to the United States. We must add a requirement that employers recruit U.S. workers, before the jobs can be filled with foreign temporary workers.

But we must also change the permanent program. Instead of requiring the Department of Labor to conduct meaningless labor certification for every employer, the Department's Employment Service should instead target its enforcement to the employers most likely to present a problem. In this way, employers who play by the rules or who are not in a problem industry would not be subjected to labor certification. Employers who seek to adjust a worker's status from temporary to permanent, and who demonstrate that they engaged in a bona fide but unsuccessful recruitment effort before filling the job with a foreign temporary worker, would not be required to go through labor certification.

These reforms, combined with effective enforcement by the Labor Department, should help give U.S. workers a fairer chance at these jobs, and free employers from participation in a sham labor certification process.

UNDERSTANDING THE TEMPORARY WORKER PROGRAM

In order to fully understand the permanent immigrant program, it is necessary to understand the principal nonimmigrant employment-based program, called the H–1B Program. This program permits U.S. employers to bring into the United States skilled workers with college or higher degrees. The program is capped at 65,000 new visas each year, but employers can keep such workers in the United States for up to 6 years. Thus, there can be almost 400,000 H–1B workers in the United States at one time.

The program was originally conceived as a means to meet employers' temporary needs for unique, highly skilled professionals. But many employers use the program to bring into the United States relatively large numbers of foreign temporary workers with little or no formal training beyond a 4-year college degree. The typical foreign temporary worker is not a one-of-a-kind professor or a Ph.D. engineer as some news stories suggest and the business lobby would have us believe.

For fiscal year 1994, employers' applications for health care therapists—primarily physical therapists and occupational therapists—accounted for one-half—49.9 percent—of all H–1B jobs. Computer-related occupations accounted for almost one-quarter—23.9 percent—of these jobs. As with the permanent program, wage data from H–1B applications indicate that almost two-thirds—65 percent—of H–1B jobs pay $40,000 or less, and almost 3 out of 4—75 percent—jobs pay $50,000 or less.

Under current law, there is no obligation for employers to try to recruit qualified U.S. workers for these jobs. The only thing the employer must do is submit a one-page form. Employers must give the title of the job, the salary they intend to pay, and attest to four facts: First, they will pay the higher of the actual wage paid to similarly employed workers or the prevailing wage; second, they are not the subject of a strike or lockout; third, they have posted the requisite notice for their U.S. workers; and fourth, the working conditions of similarly employed U.S. workers will not be adversely affected.

This form is the only requirement. No other documentation is required of the employer. Current law gives the Labor Department 7 days to review these one-page forms, and prohibits the Department from rejecting the forms unless they are incomplete or have obvious inaccuracies. In simple terms, the H–1B Program is an open door for 65,000 skilled foreign workers to enter the United States each year.

This is one reason why Americans are so cynical about our immigration laws. This system is intended to help U.S. employers remain competitive in the face of technological change and competitive global markets. Instead, the system permits employers to bring in foreign temporary workers regardless of whether qualified U.S. workers are available, or even if U.S. workers are currently holding the jobs into which the foreign temporary workers are going to be placed. We must reform the H–1B Program.

S. 1665 ''REFORMS'' TAKE US IN THE WRONG DIRECTION

Unfortunately, the reforms currently contained in the legal immigration bill are inadequate if our goal is to assure U.S. workers a fair opportunity to get and keep high-wage, high-skill jobs.

Over my objections and those of many other Democratic Members, the Judiciary Committee stripped out many sensible reforms to the employment-based programs. The Judiciary Committee then made changes for foreign temporary professional workers. The changes were touted by their sponsors as providing layoff protection to American workers, and as giving the Department of Labor latitude in investigating companies that rely on temporary foreign workers.

The current bill does neither of these things. In fact, anyone who looks carefully at the current bill will conclude that it does just the opposite.

S. 1665 embraces the agenda of corporate America at the expense of American workers. The changes in the H–1B Program would have the overall effect of further weakening protections for U.S. workers from unfair competition with foreign workers, even though the protections in the existing program are already demonstrably inadequate. Current law does not require U.S. employers to recruit in the domestic labor market first, nor does it prohibit employers from hiring foreign workers to replace laid off U.S. workers in the same job.

To the contrary, S. 1665 provides no protection from employers who fire U.S. workers and hire foreign workers. In fact, S. 1665 is an endorsement of laying off U.S. workers in favor of foreign workers. We must strengthen current law to stop this from happening—not weaken current law and invite it to happen more.

The failure to protect U.S. workers from layoffs is not the only area in which this bill fails to protect U.S. workers. If S. 1665 becomes law existing worker protections would not apply to the large majority of employers who use the H–1B program;

Employers would be subject to lower wage payment requirements for foreign workers; and,

The Labor Department's enforcement ability to protect U.S. workers and foreign workers would be sharply curtailed.

In sum, the bill goes in exactly the wrong direction by making an already troublesome H–1B program even worse.

Instead, we need genuine reform of the H–1B program to protect U.S. workers and give them a fair opportunity to get and keep high-wage, high-skill jobs.

First, as with the program for permanent immigrants, we should make it illegal to lay off qualified American workers and replace them with temporary foreign workers.

Recent case histories have gained wide public attention because they are shocking to all of us. Syntel, Inc., is a Michigan company with more than 80 percent foreign temporary workers, primarily computer analysts from India. In its business operations, Syntel contracts to provide computer personnel and services to other companies. In New Jersey, Syntel contracted

with American International Group, a large insurance company, to provide computer services. Linda Kilcrease worked for AIG.

One day, without notice, AIG fired Linda along with 200 of her co-workers and replaced them with foreign temporary workers from Syntel. Adding insult to injury, Linda and her coworkers were forced to train their replacements during their final weeks on the job.

David Hoff was a database administrator in Arizona with Allied Signal, a defense contractor. David was asked to train two foreign workers to do his job. When he realized the company was about to replace him, he left the job and refused to train his foreign replacements.

Julie Cairns-Rubin worked for Sealand Services, a major shipping and trucking company, writing and maintaining computer software systems for the company's finances. She worked during the day and took night classes for advanced computer skills. Her training, hard work, and dedication were supposed to give her greater job security. Instead, Sealand fired Julie and replaced her with a foreign worker. Now Julie is unemployed.

Julie Cairns-Rubin, David Huff, and Linda Kilcrease should be rewarded for their skills and working hard for their employers. They are supposed to live the American dream. But the H–1B program under current law turns the American dream into the American nightmare, and S. 1665 makes this nightmare even worse.

John Martin owns a high-technology firm in Houston. He has been under pressure from clients to lay off his U.S. workers and bring in cheaper foreign workers at lower wages in order to cut costs. He refused, and has lost contracts to cheaper, H–1B firms as a result. John is an employer trying to play by the rules. But he can't compete with firms bringing in cheaper foreign labor.

Our law permits and encourages this behavior. Public outrage at such widely publicized layoffs are tarnishing our entire immigration system and adding to the growing sense of insecurity felt by U.S. workers. There is no legitimate justification for laying off U.S. workers and replacing them with foreign workers, and our immigration laws should prohibit it.

A second needed reform is to require employers to recruit for U.S. workers first, before being allowed to apply for a temporary foreign worker. Current law does not contain this simple, common sense principle—and it should.

Most employers who use the H–1B program say they are continuously recruiting in the domestic labor market, and would prefer hiring U.S. workers. So this change should not impose any hardship or additional burden on these employers.

This reform is simple and straightforward. Employers applying for a foreign worker under the H–1B program would have to check one additional box on their application form attesting that they have taken and are taking steps to recruit and retain U.S. workers—which employers assure us they are already doing.

The employer would attest that it had recruited in the domestic labor market using industry-wide standard recruitment procedures. Government would not mandate this standard.

If high-technology industries recruit quickly to win business, then that's the industry-wide standard that should be recognized under the immigration laws. This step will not delay firms which need workers quickly. But it will make sure that American workers get first crack at these good jobs.

The employer would also confirm that its recruitment offered the locally prevailing wage or the wage it actually pays similar workers, whichever is higher. Employers hiring foreign workers are already required, under current law, to pay these workers the higher of the actual or locally prevailing wage, so this reform imposes no new wage obligation. The reform would merely establish that the employer recruited U.S. workers by offering the same wages and other compensation that it would be obligated to pay to its foreign workers. That's only fair to U.S. workers.

This reform does not establish any new prevailing wage system. Under current law, employers must ascertain and promise to pay at least the locally prevailing wage. Employers can go to their State employment security agency to get the prevailing wage. Or, under current law, employers can rely on an ''independent authoritative source'' or another ''legitimate source'' for prevailing wage data. They are not required to come to the government to get this information under current law, and nothing I intend to propose would change that.

The employer would also attest that its domestic recruitment was unsuccessful. In other words, the employer need only state that it could not find a qualified U.S. worker for the job. Employers already tell us they face the problem of being unable to find available U.S. workers. It is this failure in the domestic labor market that the H–1B Program is supposed to address.

There are certain circumstances in which we would all agree that an employer should not be required to seek a U.S. worker. Existing law exempts from labor certification—and thereby from any recruitment requirement—foreign workers of extraordinary ability, outstanding professors and researchers, certain multinational executives and managers, and renowned clerics. These are truly the best and the brightest. They are Nobel-level scientists, the tenure-track professors, and top researchers. They should be admitted to the United States because they are unique and because there is no dispute that they will improve our society and increase our competitiveness. If we can get them, we should admit them.

If H–1B workers qualify under the permanent worker program as individuals with ''extraordinary ability'' or an ''outstanding professor or researcher,'' the employer could also hire them and bring them into the United States as H–1B workers, without having to engage in domestic recruitment. This is a reasonable accommodation of the concerns expressed by the business community, without jeopardizing U.S. workers.

In every other case, however, we are short-changing U.S. workers and our own national interests if we don't expect employers to recruit in the U.S. for jobs for which they are seeking foreign workers.

The third and final change I propose to the H–1B Program is to reduce the term of the visa from 6 years to 3 years. This is supposed to be a temporary visa, but most Americans would call it a permanent job. In fact, Americans from 25 to 34 years of age change jobs every 3½ years. Those age 35 to 44 change every 6 years.

Importing needed skills should usually be a short-term response to urgent needs, while adjusting to quickly changing circumstances.

Reducing the terms from 6 years to 3 years will also reduce the maximum number of foreign temporary workers in the country at any one time from about 400,000 to about 200,000. The 3-year period will also assure that these temporary workers are, indeed, temporary.

This change is important not only for U.S. workers who already have the skills for good jobs, but also for those who would like to acquire the necessary skills. The labor market will correct imbalances in the demand and supply of needed skills if it receives the proper signals. Allowing foreign temporary workers to stay in the United States for 6 years sends the wrong signal. The only valid, long-term response to skills shortages is training U.S. workers. A 3-year stay will promote skills training and job opportunities for qualified U.S. workers, and help overcome the wage stagnation affecting so many working families.

GIVING THE LABOR DEPARTMENT THE ENFORCEMENT AUTHORITY IT NEEDS

I have discussed a long list of reforms that are needed in the permanent worker program and the H–1B Temporary Worker Program. These reforms can help assure that employment-based immigration is fair to U.S. workers. It is vital that we enact these reforms. But they will be nothing more than empty words in the United States Code if the Labor Department does not have the enforcement authority to assure widespread compliance.

We must end the current mismatch of enforcement authority. The Department of Labor has the power to respond to complaints, initiate investigations, and conduct audits under the temporary worker program, although S. 1665 would unwisely curb these powers. However, under the permanent program, the authority of the Department

ends once the immigrant arrives on our shores. After the worker is here, there is little the Department can do to ensure that employers pay the prevailing wage and meet other terms and conditions of employment.

We must give the Department essentially the same post-admission enforcement powers for permanent foreign workers that it already has for temporary workers. Often, the temporary workers become permanent workers. The Department of Labor ought to have the same power to assure compliance after the workers convert to permanent resident status as before.

Such enforcement powers are important as a safeguard for workers' rights. They also ensure that the recruitment mechanism functions properly. To ensure that these requirements are met, the Labor Department must have the ability to seek out and identify employers that violate the law, assure that U.S. and foreign workers are protected or made whole, and impose penalties that will deter future violations and promote compliance.

Finally, we should also require payment of additional fees to cover the Labor Department's costs of administering the certification requirements and enforcement activities. Taxpayers should not have to foot the bill for the cost of providing employers with foreign workers.

Immigration has served America well for over two centuries. Its current troubles can be cured. If we fail to act responsibly the calls for Buchananism and Fortress America will only grow louder and more irresponsible. To protect our immigrant heritage, we must stop illegal immigration. We must end the abuses of American workers under our current immigration laws, and enact the many other reforms needed to strengthen this vital aspect of our history and our future.

Mr. President, I yield the floor at this particular time.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have a unanimous-consent request.

I ask unanimous consent that a letter from the Congressional Budget Office addressed to me as chairman of the Subcommittee on Immigration, dated April 15, 1996, be printed in the RECORD.

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

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

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

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

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

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

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. SIMPSON. Mr. President, I ask unanimous consent that a document from the Congressional Budget Office setting forth the estimated budgetary effects of the pending legislation be printed at this point in the RECORD, and I further note that the reference in this letter to S. 269, as reported by the Senate Committee on the Judiciary on April 10, 1996, means that these estimates apply to the legislation pending before the Senate as S. 1664.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 12, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed federal, intergovernmental, and private sector cost estimates for S. 269, the Immigration Control and Financial Responsibility Act of 1996. Because enactment of the bill would affect direct spending and receipts, pay-as-you-go procedures would apply.

The bill would impose both intergovernmental and private sector mandates, as defined in Public Law 104–4. The cost of the mandates would exceed both the $50 million threshold for intergovernmental mandates and the $100 million threshold for private sector mandates specified in that law.

CBO's estimate does not include the potential cost of establishing a program to reimburse state and local governments for the full cost of providing emergency medical care to illegal aliens. As noted in the enclosed estimate, the drafting of this provision leaves many uncertainties about how the program would work and therefore precludes a firm estimate. The potential costs could, however, be significant.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 269.

2. Bill title: Immigration Control and Financial Responsibility Act of 1996.

3. Bill status: As reported by the Senate Committee on the Judiciary on April 10, 1996.

4. Bill purpose: S. 269 would make many changes and additions to Federal laws relating to immigration. Provisions having a potentially significant budgetary impact are highlighted below.

Title I would:

Direct the Attorney General to increase the number of Immigration and Naturalization (INS) border patrol agents by 700 in fiscal year 1996 and by 1,000 in each of the fiscal years 1997 through 2000; in addition, the number of full-time support positions for border patrol agents would be increased by 300 in each of the fiscal years 1996 through 2000;

Authorize appropriations of such sums as may be necessary to increase the number of INS investigator positions by 600 in fiscal year 1996 and by 300 in each of the fiscal years 1997 and 1998, and provide for the necessary support positions;

Direct the Attorney General and the Secretary of the Treasury to increase the number of land border inspectors in fiscal years 1996 and 1997 to assure full staffing during the peak border-crossing hours;

Authorize the Department of Labor (DOL) to increase the number of investigators by 350—plus necessary support staff—in fiscal years 1996 and 1997;

Direct the Attorney General to increase the detention facilities of the INS to at least 9,000 beds by the end of fiscal year 1997;

Authorize a one-time appropriation of $12 million for improvements in barriers along the U.S.-Mexico border;

Authorize the Attorney General to hire for fiscal years 1996 and 1997 such additional Assistant U.S. Attorneys as may be necessary for the prosecution of actions brought under certain provisions of the Immigration and Nationality Act;

Authorize appropriations of such sums as may be necessary to expand the INS fingerprint-based identification system (IDENT) nationwide;

Authorize a one-time appropriation of $10 million for the INS to cover the costs to deport aliens under certain provisions of the Immigration and Nationality Act;

Authorize such sums as may be necessary to the Attorney General to conduct pilot programs related to increasing the efficiency of deportation and exclusion proceedings;

Establish several pilot projects and various studies related to immigration issues, including improving the verification system for aliens seeking employment or public assistance;

Provide for an increase in pay for immigration judges;

Establish new and increased penalties and criminal forfeiture provisions for a number of crimes related to immigration; and

Permit the Attorney General to reemploy up to 100 federal retirees for as long as two years to help reduce a backlog of asylum applications.

Title II would:

Curtail the eligibility of non-legal aliens, including those permanently residing under

color of law (PRUCOL), in the narrow instances where they are now eligible for federal benefits;

Extend the period during which a sponsor's income is presumed or deemed to be available to the alien and require deeming in all federal means-tested programs, not just the ones that currently practice it;

Deny the earned income tax credit to individuals not authorized to be employed in the United States; and

Change federal coverage of emergency medical services for illegal aliens.

5. Estimated cost to the Federal Government: Assuming appropriation of the entire amounts authorized, enacting S. 269 would increase discretionary spending over fiscal years 1996 through 2002 by a total of about $3.2 billion. Several provisions of S. 269, mainly those in Title II affecting benefit programs, would result in changes to mandatory spending and federal revenues. CBO estimates that the changes in mandatory spending would reduce outlays by about $7 billion over the 1996–2002 period, and that revenues would increase by about $80 million over the same period. These figures do not include the potential costs of establishing a program to reimburse state and local governments for the full cost of providing emergency medical care to illegal aliens; these costs could amount to as much as $1.5 billion to $3 billion a year.

The estimated budgetary effects of the legislation are summarized in Table 1. Table 2 shows projected outlays for the affected direct spending programs under current law, the changes that would stem from the bill, and the projected outlays for each program if the bill were enacted. The projections reflect CBO's March 1996 baseline.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 269

[By fiscal years, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATIONS ACTION							
Authorizations:							
Estimated authorization level	0	709	472	580	596	615	633
Estimated outlays	0	286	467	663	580	600	621
MANDATORY SPENDING AND RECEIPTS							
Direct spending:							
Estimated budget authority	0	−450	−927	−1,237	−1,427	−1,409	−1,549
Estimated outlays	0	−450	−927	−1,237	−1,427	−1,409	−1,549
Estimated Revenues	0	14	13	12	13	13	13

Note.—Estimates do not include potential costs of establishing a program to reimburse state and local governments for the full cost of providing emergency medical care to illegal aliens. These costs could amount to as much as $1.5 billion to $3 billion a year.

The costs of this bill fall within budget functions 550, 600, 750, and 950.

TABLE 2.—ESTIMATED EFFECTS OF S. 269 ON DIRECT SPENDING PROGRAMS

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998	1999	2000	2001	2002
PROJECTED SPENDING UNDER CURRENT LAW								
Supplemental Security Income	24,510	24,017	27,904	30,210	32,576	37,995	34,515	40,348
Food Stamps [1]	25,554	26,220	28,094	29,702	31,092	32,476	33,847	35,283
Family Support Payments [2]	18,086	18,371	18,800	19,302	19,930	20,552	21,240	21,932
Child Nutrition	7,465	8,011	8,483	9,033	9,597	10,165	10,751	11,352
Medicaid	89,070	95,737	104,781	115,438	126,366	138,154	151,512	166,444
Earned Income Tax Credit (outlay portion)	15,244	18,440	20,191	20,894	21,691	22,586	23,412	24,157
Receipts of Employer Contributions	−27,961	−27,025	−27,426	−27,978	−28,258	−29,089	−29,949	−31,025
Total	151,968	163,771	180,827	196,601	212,994	232,839	245,328	268,491
PROPOSED CHANGES								
Supplemental Security Income		0	−100	−340	−500	−570	−500	−560
Food Stamps [1]		0	−10	−30	−40	−45	−45	−70
Family Support Payments [2]		0	−10	−15	−15	−20	−20	−25
Child Nutrition		0	0	0	−5	−20	−20	−25
Medicaid [3]		0	−115	−330	−460	−550	−600	−640
Earned Income Tax Credit (outlay portion)		0	−216	−214	−218	−222	−224	−229
Receipts of Employer Contributions		0	1	2	1	0	0	0
Total		0	−450	−927	−1,237	−1,427	−1,409	−1,549
PROJECTED SPENDING UNDER S. 269								
Supplemental Security Income	24,510	24,017	27,804	29,870	32,076	37,425	34,015	39,788
Food Stamps [1]	25,554	26,220	28,084	29,672	31,052	32,431	33,802	35,213
Family Support Payments [2]	18,086	18,371	18,790	19,287	19,915	20,532	21,220	21,907
Child Nutrition	7,465	8,011	8,483	9,033	9,592	10,145	10,731	11,327
Medicaid [3]	89,070	95,737	104,666	115,108	125,906	137,604	150,912	165,804
Earned Income Tax Credit (outlay portion)	15,244	18,440	19,975	20,680	21,473	22,364	23,188	23,928
Receipts of Employer Contributions	−27,961	−27,025	−27,425	−27,976	−28,257	−29,089	−29,949	−31,025
Total	151,968	163,771	180,377	195,674	211,757	231,412	243,919	266,942
Changes to Revenues		0	14	13	12	13	13	13
Net Deficit effect		0	−464	−940	−1,249	−1,440	−1,442	−1,562

[1] Food Stamps includes Nutrition Assistance for Puerto Rico. Spending under current law includes the provisions of the recently-enacted farm bill.

[2] Family Support Payments includes spending on Aid to Families with Dependent Children (AFDC), AFDC-related child care, administrative costs for child support enforcement, net federal savings from child support collections, and the Job Opportunities and Basic Skills Training program (JOBS).

[3] Estimates do not include potential costs of establishing a program to reimburse state and local governments for the full cost of providing emergency medical care to illegal aliens. These costs could amount to as much as $1.5 billion to $3 billion a year.

Notes.—Assumes enactment date of August 1, 1996. Estimates will change with later effective date. Details may not add to totals because of rounding.

6. Basis of estimate: For purposes of this estimate, CBO assumes that S. 269 will be enacted by August 1, 1996.

SPENDING SUBJECT TO APPROPRIATIONS

The following estimates assume that all specific amounts authorized by the bill would be appropriated for each fiscal year. For programs in the bill for which authorizations are not specified, or for programs whose specific authorizations do not provide sufficient funding, CBO estimated the cost based on information from the agencies involved. Estimated outlays, beginning in 1997, are based on historical rates for these or similar activities. (We assumed that none of the bill's programs would affect outlays in 1996.)

The provisions in this bill that affect discretionary spending would increase costs to the federal government by the amounts shown in Table 3, assuming appropriation of the necessary funds. In many cases, the bill authorizes funding for programs already authorized in the Violent Crime Control and Law Enforcement Act of 1994 (the 1994 crime bill) or already funded by fiscal year 1996 appropriations action. For example, the additional border patrol agents and support personnel in title I already were authorized in the 1994 crime bill through fiscal year 1998. For such provisions, the amounts shown in Table 3 reflect only the cost above funding authorized in current law.

In the most recent continuing resolution enacted for fiscal year 1996, appropriations for the Department of Justice total about $14 billion, of which about $1.7 billion is for the INS.

TABLE 3.—SPENDING SUBJECT TO APPROPRIATIONS ACTION

[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Estimated authorization levels:						
Additional Border Patrol agents	.....	.....	97	97	100	103
Additional investigators	97	152	159	165	171	178
Additional inspectors	24	32	34	35	37	39
Additional DOL employees	27	29	30	31	33	34
Detention facilities	418	187	187	194	198	204
Barrier improvements	20	.....	.....	.....	.....	.....
Additional U.S. Attorneys	23	46	48	49	51	52
IDENT expansion	87	22	22	22	22	22
Deportation costs	10	.....	.....	.....	.....	.....
Pilot programs	2	3	2	2	2	.....
Pay raise for immigration judges	1	1	1	1	1	1
Total	709	472	580	596	615	633
Estimated Outlays	286	467	663	580	600	621

REVENUES AND DIRECT SPENDING

S. 269 would have a variety of effects on direct spending and receipts. The most significant effects would stem from new restrictions on payment of federal benefits to aliens, in Title II of the bill. That title would curtail the eligibility of non-legal aliens, including those permanently residing under color of law (PRUCOL), in the narrow instances where they are now eligible for federal benefits. It would require that all federal means-tested programs weigh sponsors' income (a practice known as deeming) for a minimum of 5 years after entry when gauging an immigrant's eligibility for benefits, and would require an even longer deeming period—lasting 10 years or more after arrival—for future entrants. It would make sponsors' affidavits of support legally enforceable. These provisions would save money in federal benefit programs. Partly offsetting those savings, the bill proposes one major change that could add to federal costs—a provision that is apparently intended to require the federal government to pay the full cost of emergency Medicaid services for illegal aliens. However, ambiguities in the drafting of that provision prevent CBO from estimating its effect. Although the provisions affecting benefit programs dominate the direct spending implications of S. 269, other provisions scattered throughout Titles I and II would have small effects on collections of fines and penalties and on the receipts of federal retirement funds.

Fines. The imposition of new and enhanced civil and criminal fines in S. 269 could cause governmental receipts to increase, but CBO estimates that any such increase would be less than $500,000 annually. Civil fines would be deposited into the general fund of the Treasury. Criminal fines would be deposited in the Crime Victims Fund and would be spent in the following year. Thus, direct spending from the fund would match the increase in revenues with a one-year lag.

Forfeiture. New forfeiture provisions in S. 269 could lead to more assets seized and forfeited to the United States, but CBO estimates that any such increase would be less than $500,000 annually in value. Proceeds from the sale of any such assets would be deposited as revenues into the Assets Forfeiture Fund of the Department of Justice and spent out of that fund in the same year. Thus, direct spending from the Assets Forfeiture Fund would match any increase in revenues.

Supplemental Security Income. The SSI program pays benefits to low-income people with few assets who are aged 65 or older or disabled. According to tabulations by the Congressional Research Service (CRS), the SSI program for the aged is the major benefit program with the sharpest contrast in participation between noncitizens and citizens. CRS reported that nearly one-quarter of aliens over the age of 65 receive SSI, versus about 4 percent of citizens. The Social Security Administration states that about 700,000 legal aliens collect SSI (although some unknown fraction of those ''aliens'' are really naturalized citizens, whose change in status is not reflected in program records). About three-quarters of alien SSI recipients are immigrants legally admitted for permanent residence, who must serve out a waiting period during which their sponsor's income is ''deemed'' to them before they can go on the program. That waiting period was lengthened to 5 years in 1994 but is slated to return to 3 years in October 1996. The other one-quarter of alien recipients of SSI are refugees, asyelees, and PRUCOLs.

S. 269 would prevent the deeming period from returning to 3 years in October 1996. Instead, the deeming period would remain at 5 years (for aliens who entered the country before enactment) and would be lengthened to 10 years or more for aliens who enter after the date of enactment. Specifically, for a future entrant, deeming in all federal means-tested programs would last until the alien had worked for 40 quarters in Social Security-covered employment—a condition that elderly immigrants, in particular, would be unlikely ever to meet. By requiring that all income of the sponsor and spouse be deemed ''notwithstanding any other provision of law,'' S. 269 would also nullify the exemption in current law that waives deeming when the Social Security Administration (SSA) determines that the alien applicant became disabled after he or she entered the United States.

Data from SSA records show very clearly that many aged aliens apply for SSI as soon as their deeming period is over, though such a pattern is much less apparent among younger aliens seeking benefits on the basis of disability. CBO estimates that lengthening the deeming period from 3 years to 5 years (or longer), and striking the exemption from deeming for aliens who became disabled after arrival, would save about $0.1 billion in 1996, and $0.3 billion to $0.4 billion a year in 1997 through 2002. Nearly two-thirds of the savings would come from the aged, and the rest from the disabled.

S. 269 would also eliminate eligibility for SSI benefits of aliens permanently residing under color of law (PRUCOLs). That label covers such disparate groups as parolees, aliens who are granted a stay of deportation, and others with various legal statuses. PRUCOLs currently make up about 5 percent of aliens on the SSI rolls. CBO assumes that some would successfully seek to have their classification changed to another category (such as refugee or asylee) that would protect their SSI benefits. The remainder, though, would be barred from the program, generating savings of about $0.5 billion over 7 years.

Food Stamps. The estimated savings in the Food Stamp program—$0.2 billion over 7 years—are considerably smaller than those in SSI but likewise stem from the deeming provisions of S. 269. The Food Stamp program imposes a 3-year deeming period. Therefore, lengthening the deeming period (to 5 years for aliens already here and longer for future entrants) would save money in food stamps. S. 269 contains a narrow exemption from deeming for aliens judged to be at immediate risk of homelessness or hunger. Because the Food Stamp program already denies benefits to most PRUCOLs, no savings are estimated from that source.

Family Support. The provisions that would generate savings in SSI and food stamps would also lead to small savings in the AFDC program. The AFDC program already deems income from sponsors to aliens for 3 years after the alien's arrival. S. 269 would lengthen that period to at least 5 years (longer for future entrants). The $0.1 billion in total savings over the 1997–2002 period would stem overwhelmingly from the lengthening of the deeming period. Savings from ending the eligibility of PRUCOLs are estimated to be just a few million dollars a year.

Child Nutrition. S. 269 would require that the child nutrition program begin to deem sponsors' income to alien schoolchildren when weighing their eligibility for free or reduced-price lunches. Child nutrition does not employ deeming now. It does, however, take parents' income into account when determining eligibility. CBO therefore assumed that savings in child nutrition would stem mainly from the minority of cases in which a relative other than a parent (say, a grandparent or an aunt) sponsored the child's entry into the United States. CBO assumed that it would take at least two years to craft regulations and implement deeming in school systems nationwide, therefore precluding savings until 1999. Savings of about $20 million a year would result once the deeming provision took full effect.

S. 269 explicitly preserves eligibility for the child nutrition program for illegal alien schoolchildren. CBO assumed, however, that the stepped-up screening that would be required to enforce deeming for legally admitted children would lead some illegal alien children to stop participating in the program, because their parents would fear detection.

Medicaid. S. 269 would erect several barriers to Medicaid eligibility for recent immigrants and future entrants into this country. In most cases, AFDC or SSI eligibility carries Medicaid eligibility along with it. By restricting aliens' access to those two cash programs, S. 269 would thereby generate Medicaid savings. Medicaid now has no deeming requirement at all; that is, program administrators do not consider a sponsor's income when they gauge the alien's eligibility for benefits. Therefore, it is possible for a sponsored alien to qualify for Medicaid even before he or she has satisfied the SSI waiting period. S. 269 would change that by requiring that every means-tested program weigh the income of a sponsor for at least 5 years after entry. Under current law, PRUCOLs are specifically eligible for Medicaid; S. 269 would make them ineligible.

To estimate the savings in Medicaid, CBO first estimated the number of aliens who would be barred from the SSI and AFDC programs by other provisions of S. 269, CBO then added another group—dubbed ''noncash beneficiaries'' in Medicaid parlance because they participate in neither of the two cash programs. The noncash participants who would be affected by S. 269 essentially fall into two groups. One is the group of elderly (and, less importantly, disabled) aliens with financial sponsors who, under current law, seek Medicaid even before they satisfy the 3-year wait for SSI; the second is poor children and pregnant women who could, under current law, qualify for Medicaid even if they do not get AFDC. CBO multiplied the estimated number of aliens affected times an average Medicaid cost appropriate for their group. That average cost is significantly higher for an aged or disabled person than for a younger mother or child. In selecting an average cost, CBO took into account the fact that relatively few aged or disabled aliens receive expensive long-term care in Medicaid-covered institutions, but that on the other hand, few are eligible for Medicare. The resulting estimate of Medicaid savings was then trimmed by 25 percent to reflect the fact that—if the aliens in question were barred from regular Medicaid—the federal government would likely end up paying more in reimbursements for emergency care and for uncompensated care. The resulting savings in Medicaid would

climb from $0.1 billion in 1997 to about $0.6 billion a year in 2000 through 2002, totaling $2.7 billion over the 1996—2002 period.

One of the few benefits for which illegal aliens now qualify is emergency Medicaid, under section 1903(v) of the Social Security Act. Section 212 of S. 269 is apparently intended to make the federal government responsible for the entire cost of emergency medical care for illegal aliens, instead of splitting the cost with states as under the current matching requirements of Medicaid. However, the drafting of the provision leaves several legal and practical issues dangling. S. 269 would not repeal the current provision in section 1903(v). It would apparently establish a separate program to pay for emergency medical care. Although it stipulates that funding must be set in advance in appropriation acts, it also provides that states and localities would therefore have an open-ended right to reimbursement, notwithstanding the ceiling implied in an appropriation act.

S. 269 orders the Secretary of Health and Human Services (HHS), in consultation with the Attorney General, to develop rules for reimbursement. Emergency patients often show up with no insurance and little other identification; therefore, if HHS drafted stringent rules for verification, it is possible that very few providers could collect the reimbursement. On the other hand, if HHS required only minimal identification, providers would have an incentive to classify as many patients as possible in this category because that would maximize their federal reimbursement. S. 269 does not state whether reimbursement would be subject to the usual limits on allowable charges in Medicaid, or whether providers could bill the federal government for their full cost. Nor is it clear whether the program would use the same definition of emergency care as in Medicaid law.

Although the budgetary effects of Section 212 cannot be estimated, some idea of its potential costs can be gained by looking at analogous proposals for the Medicaid program. CBO estimates that modifying Medicaid to reimburse states and localities for the full cost of emergency care for illegal aliens would cost approximately $1.5 billion to $3 billion per year. That estimate assumes that Medicaid would continue to use its current definition of emergency care and its current schedule of charges. It also assumes that states would seek to classify more aliens and more services in this category, in order to collect the greatest reimbursement.

Similarly, section 201 of the bill is meant to qualify certain mothers who are illegal aliens for pre- and post-partum care under the Medicaid program. In general, poor women who are citizens or legal immigrants can now get such care through Medicaid, but illegal aliens cannot. Although the bill would authorize $120 million a year for such care, the new benefit would in fact be open-ended because of the entitlement nature of the Medicaid program. CBO does not have enough information to estimate the provision's cost, which would depend critically on the type of documentation demanded by the Secretary of HHS to prove that the mothers met the requirement of 3 years of continuous residence.

Earned Income Tax Credit. S. 269 would deny eligibility for the Earned Income Tax Credit (EITC) to workers who are not authorized to be employed in the United States. In practice, that provision would work by requiring valid Social Security numbers to be filed for the primary and secondary taxpayers on returns that claim the EITC. A similar provision was contained in President Clinton's 1996 budget proposal and in last fall's reconciliation bill. The Joint Committee on Taxation estimates that the provision would reduce the deficit by approximately $0.2 billion a year.

Other programs. Entitlement or direct spending programs other than those already listed are estimated to incur negligible costs or savings over the 1997–2002 period as a consequence of S. 269. The foster care program does not appear on any list of exemptions in S. 269; but since the program does not employ deeming now, and since it is unclear how deeming could be made to work in that program (for example, whether it would apply to foster care children or parents), CBO estimates no savings. CBO estimates that the bill would not lead to any significant savings in the student loan program. The Title XX social services program, and entitlement program for the states, is funded at a fixed dollar amount set by the Congress; the eligibility or ineligibility of aliens for services would not have any direct effect on those dollar amounts.

S. 269 would have a small effect on the net outlays of Federal retirement programs. Section 196 of the bill would permit certain civilian and military retirees to collect their full pensions in addition to their salary if they are reemployed by the Department of Justice to help tackle a backlog of asylum applications. CBO estimates that about 100 annuitants would be affected, and that net outlays would increase by $1 million to $2 million a year in 1997 through 1999.

CBO judges that S. 269 would not lead to any savings in Social Security, unemployment insurance, or other federal benefits that are based on earning. S. 269 would deny benefits if the alien was not legally authorized to work in the United States. Since 1972, however, the law has ordered the Social Security Administration to issue Social Security numbers (SSNs) only to citizens and to aliens legally authorized to work here. A narrow exception is ''nonwork'' SSNs, granted for purposes such as enabling aliens to file income taxes. Since all work performed by aliens who received SSNs after 1972 is presumed to be legal, and since verifying the work authorization of people who received SSNs before 1972 is an insuperable task, CBO estimates no savings in these earnings-related benefits.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Because several sections of this bill would affect receipts and direct spending, pay-as-you-go procedures would apply. These effects are summarized in the following table.

[By fiscal years, in millions of dollars]

	1996	1997	1998
Change in outlays	0	−450	−927
Change in receipts	0	14	13

Note.—Estimates do not include potential costs of establishing a program to reimburse state and local governments for the full cost of providing emergency medical care to illegal aliens. These costs could amount to as much as $1.5 billion to $3 billion a year.

8. Estimated impact on State, local, and tribal governments: See the enclosed intergovernmental mandates statement.

9. Estimated impact on the private sector: See the enclosed private sector mandates statement.

10. Previous CBO estimate: On March 4, 1996, CBO provided an estimate of H.R. 2202, an immigration reform bill reported by the House Committee on the Judiciary. (The bill was subsequently passed by the House, with amendments.) That bill had many provisions in common with S. 269. However, the deeming restrictions proposed in H.R. 2202 applied exclusively to future entrants; aliens who entered before the enactment date would not have been affected. Therefore, S. 269—which would apply deeming to aliens who entered in the last 5 years as well as to future entrants—would result in larger savings in many benefit programs. Also, projected discretionary spending under S. 269 would be less than under H.R. 2202.

In 1995, CBO prepared many estimates of welfare reform proposals that would have curtailed the eligibility of legal aliens for public assistance. Examples include the budget reconciliation bill (H.R. 2491) and the welfare reform bill (H.R. 4), both of which were vetoed.

11. Estimate prepared by: Mark Grabowicz, Wayne Boyington, Sheila Dacey, Dorothy Rosenbaum, Robin Rudowitz, Kathy Ruffing, and Stephanie Weiner.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF PRIVATE SECTOR MANDATES

1. Bill number: S. 269.

2. Bill title: Immigration Control and Financial Responsibility Act of 1996.

3. Bill status: As reported, by the Senate Committee on the Judiciary on April 10, 1996.

4. Bill purpose: S. 269 would make changes and additions to federal laws relating to immigration.

5. Private sector mandates contained in the bill: Several provisions of the bill would impose new requirements on the private sector. In general, the private sector mandates in S. 269 lie in three areas: (1) provisions that affect the transportation industry, (2) provisions that affect aliens within the borders of the United States, and (3) provisions that affect individuals who sponsor aliens and execute affidavits of support. The estimated impacts of these mandates do not include any costs imposed on individuals not within the borders of the United States.

6. Estimated direct cost to the private sector: CBO estimates that the direct costs of private sector mandates identified in S. 269 would be less than $100 million annually through 1999, but would rise to over $100 million in 2000 and $300 million in 2001. In 2002 and thereafter, the direct costs would exceed $600 million annually. The large majority of those costs would be imposed on sponsors of aliens who execute affidavits of support, such costs are now borne by the federal government and state and local governments for the provision of benefits under public assistance programs. Assuming enactment of S. 260 this summer, CBO expects that the mandates in the bill would be effective beginning in fiscal year 1997.

Basis of estimate

Title I, subtitle A—Law enforcement

Section 151 would impose new mandates on the transportation industry—in particular, those carriers arriving in the U.S. from overseas. Agents that transport stowaways to the U.S., even unknowingly, would be responsible for detaining them and for the costs associated with their removal. This mandate is not expected to impose large costs on the transportation industry. Over the last two years a total of only about 2000 stowaways have been detained.

Section 154 would require aliens who seek to become permanent residents to show documented proof that they have been immunized against a list of diseases classified as ''vaccine-preventable'' by the Advisory Committee on Immunization Practices. That requirement would impose costs on aliens who were not immunized previously or were unable to document that they had been immunized. Some of the costs might be paid for by state and local governments through public clinics. The total cost of the mandate to

aliens residing in the United States would be expected to be less than $40 million a year.

Section 155 would impose two new requirements on aliens in the U.S. who seek to adjust their status to permanent resident for the purpose of working as nonphysician health care workers. First, those aliens would be required to present a certificate from the Commission on Graduates of Foreign Nursing Schools (or an equivalent body) that verifies that the alien's education, training, license, and experience meet standards comparable to those required for domestically trained health care workers employed in the same occupation. Second, those aliens would be required to attain a certain score on a standardized test of oral and written English language proficiency.

The aggregate direct costs of complying with the new requirements imposed on nonphysician health care workers would depend on several factors: the number of aliens that attempt to adjust their status to permanent resident for the purpose of becoming a nonphysician health care worker; the costs of obtaining proof of certification and of taking an English language test; and the cost of conforming to the higher standard for those not initially qualified who would attempt to do so. At this point CBO does not have quantitative information on these factors but we do not believe that the aggregate direct costs of these mandates would be substantial. Nevertheless, for certain individuals the cost of meeting these requirements would be large.

Title II—Financial responsibility

Title II would impose new requirements on citizens and permanent residents who execute affidavits of support for legal immigrants. At present, immigrants who are expected to become public charges must obtain a financial sponsor who signs an affidavit of support. A portion of the sponsor's income is then ''deemed'' to the immigrant for use in the means-test for several federal welfare programs. Affidavits of support, however, are not legally binding documents. S. 269 would make affidavits of support legally binding, expand the responsibilities of financial sponsors, and place an enforceable duty on sponsors to reimburse the federal government or states for benefits provided in certain circumstances.

Supporting aliens to prevent them from becoming public charges would impose considerable costs on sponsors, who are included in the private sector under the Unfunded Mandates Reform Act of 1995. CBO estimates that sponsors of immigrants would face over $20 million in additional costs in 1997. Costs would grow quickly, however. Over the period from 1998 to 2001, assuming that affidavits of support would be enforced, the costs to sponsors of immigrants would exceed $100 million annually and would total about $500 million during the first five years that the mandate would be effective.

Other provisions

Several other provisions in S. 269 would impose new mandates on citizens and aliens but would result in little or no monetary cost. For example, Title II contains a new mandate that would require sponsors to notify the federal and state governments of any change of address. CBO estimates that the direct cost of these provisions would be minimal.

Section 116 of Title I would change the acceptable employment-verification documents and authorize the Attorney General to require individuals to provide their Social Security number on employment forms attesting that the individual is not an unauthorized alien. CBO estimates that the direct costs of complying with that requirement would also be minimal.

Section 181 of Title I would add categories of aliens who would not be permitted to adjust from non-immigrant to immigrant status. Any alien not in a lawful immigrant status would not be allowed to become an employment-based immigrant. Also, aliens who were employed while an unauthorized alien, or who had otherwise violated the terms of a nonimmigrant visa, would not be allowed to become an immigrant. Although these provisions would have significant impacts on certain members of the private sector, there would be no direct costs as defined by P.L. 104–4.

7. Previous CBO estimate: On March 13, 1996, CBO prepared a private sector mandate statement on H.R. 2202, the Immigration in the National Interest Act of 1995, which was ordered reported by the House Committee on the Judiciary on October 24, 1995.

8. Estimate prepared by: Daniel Mont and Matt Eyles.

9. Estimate approved by: Joseph R. Antos, Assistant Director for Health and Human Resources.

CONGRESSIONAL BUDGET OFFICE ESTIMATED COST OF INTERGOVERNMENTAL MANDATES

1. Bill Number: S. 269.

2. Bill title: Immigration Control and Financial Responsibility Act of 1996.

3. Bill Status: As reported by the Senate Committee on the Judiciary on April 10, 1996.

4. Bill purpose: S. 269 would make many changes and additions to federal laws relating to immigration. The bill would also require changes to the administration of state and local transportation, public health, and public assistance programs. Demonstration projects for verifying immigration status and for determining benefit eligibility would be conducted in a number of states, pursuant to agreements between those states and the Attorney General. Section 118 would require state and local governments to adhere to certain standards in the production of birth certificates, driver's licenses, and identification documents. Sections 201 and 203 would limit the eligibility of many aliens for public assistance and other benefits. In addition, Title II would authorize state and local governments to implement measures to minimize or recoup costs associated with providing certain benefits to legal and non-legal aliens.

5. Intergovernmental mandates contained in bill:

State and local governments that issue birth certificates would be required to use safety paper that is tamper- and counterfeit-resistant, comply with new regulations established by the Department of Health and Human Services (HHS), and prominently note on a copy of a birth certificate if the person is known to be deceased.

State agencies issuing driver's licenses or identification documents would be required either to print Social Security numbers on these items or collect and verify the number before issuance. They would also be required to comply with new regulations to be established by the Department of Transportation (DOT).

State employment security agencies would be required to verify employment eligibility and complete attestations to that effect prior to referring an individual to prospective employers.

State and local agencies administering public assistance and regulatory programs would be required to:

Deny eligibility in most state and local means-tested benefit programs to non-legal aliens, including those ''permanently residing under color of law'' (PRUCOL). (PRUCOLS are aliens whose status is usually transitional or involves an indefinite stay of deportation);

Weigh sponsors' income (a practice known as deeming) for 5 years or longer after entry when gauging a legal alien's eligibility for benefits in some large federal means-tested entitlement programs;

Request reimbursement from sponsors via certified mail and in compliance with Social Security Administration regulations if notified that a sponsored alien has received benefits from a means-tested program;

Notify, either individually or publicly, all ineligible aliens who are receiving benefits or assistance that their eligibility is to be terminated; and

Deny non-legal aliens and PRUCOLs the right to receive grants, enter into contracts or loan agreements, or receive or renew professional or commercial licenses.

State and local governments would be prohibited from imposing any restrictions on the exchange of information between governmental entities or officials and the Immigration and Naturalization Service (INS) regarding the immigration status of individuals.

6. Estimated direct cost of mandates on State, local, and tribal governments:

(a) *Is the $50 Million Threshold Exceeded?* Yes.

(b) *Total Direct Costs of Mandates:* CBO estimates that these mandates would impose direct cost on state, local, and tribal governments totaling between $80 million and $200 million in fiscal year 1998. In the four subsequent years, mandate costs would total less than $2 million annually. State, local, and tribal governments could face additional costs associated with the deeming requirements in each of the 5 years following enactment of the bill; however, CBO cannot quantify such costs at this time.

S. 269 also includes a number of provisions that, while not mandates, would result in significant net savings to state, local, and tribal governments. CBO estimates these savings could total several billion dollars over the next five years.

(c) *Estimate of Necessary Budget Authority:* Not applicable.

7. Basis of estimate: Of the mandates listed above, the requirements governing birth certificates and driver's licenses would impose the most significant direct costs. The bill would require issuers of birth certificates to use a certain quality safety paper when providing copies to individuals if those copies are to be acceptable for use at any federal office or state agency that issues driver licenses or identification documents. While many state issuers are adequate quality safety paper, many local clerk and registrar offices do not. The bill also requires states either to collect Social Security numbers from driver's license applicants or to print the number on the driver's license card. While a significant number of states currently use Social Security numbers as the driver's license number, the most populous states neither print the number on the card nor collect if for reference purposes.

For the purposes of preparing this estimate, CBO contacted state and local governments, public interest groups representing these governments, and a number of officials from professional associations. Because of the variation in the way state and local governments issue birth certificates, we contacted clerks and registrars in eleven states in an effort to assess the impact of the birth certificate provisions. To estimate the cost of the driver's license requirements, we contacted over twenty state government transportation officials. Most state and local governments charge fees for issuing driver's licenses and copies of birth certificates. Those governments may choose to use revenues from these fees to pay for the expenses associated with the mandates. Under Public Law

104–4, however, these revenues are considered a means of financing and as such cannot be counted against the mandate costs of S.269.

Mandates with significant costs

Birth Certificates. Based on information from state registrars of vital statistics, CBO estimates that 60 percent of the approximately 18 million certified copies of birth certificates issued each year in the United States are printed on plain bond paper or low quality safety paper. CBO assumed that state and local issuing agencies needing to upgrade the quality of the paper would spend, on average, about $0.10 per certificate. In addition, CBO expects the bill would induce some individuals holding copies of birth certificates that do not conform to the required standards to request new birth certificates when they would not have otherwise done so. CBO estimated that issuing agencies across the country would experience a 20 percent increase in requests for copies of birth certificates for at least five years. On this basis, CBO estimates that the birth certificate provisions in the bill would impose direct printing and personnel costs on state and local governments totaling at least $2 million per year in each of the five years following the effective date of the provision. In addition, some state and local governments would have to replace or modify equipment in order to respond to the new requirements. CBO estimates these one-time costs would not exceed $5 million.

Driver's Licenses. Less than half of the states include Social Security numbers on all driver's licenses or perform some type of verification with the Social Security Administration. In fact, the states with the highest populations tend to be the states that do not have these requirements, and some state laws prohibit the collection of Social Security numbers for identification and driver's license purposes. CBO estimates that of the 185 million driver's licenses and identification cards in circulation, less than 40 percent would be in compliance with the requirements of S. 269. Any driver's license or identification card that does not comply with those requirements would be invalid for any evidentiary purpose.

Given the common use of these documents as legal identifiers, CBO assumed that at least half of those individuals who currently have driver's licenses or identification cards that do not meet the requirements of S. 269 would seek early renewals. CBO assumed that states would face additional printing costs of between $0.75 and $1.20 per document, increased administrative costs resulting from the influx of renewals, and, for some states, one time system conversion costs. We estimate that direct costs, assuming a limited number of additional renewal requests, would total $80 million in the first year. If more people sought early renewals, total costs could easily approach $200 million in the first year.

The driver's license provisions in the bill would be effective immediately upon enactment. Because of the significant processing and administrative changes that states would face under these requirements, CBO has assumed that states would establish procedures for compliance in the year following enactment. Consequently, the additional expenditures resulting from reissuing licenses and identification cards would occur in 1998.

Provision of Public Assistance to Aliens. It is possible that the administrative costs associated with applying deeming requirements to some federal means-tested entitlement programs would be considered mandate costs as defined in Public Law 104–4. In entitlement programs larger than $500 million per year, an increase in the stringency of federal conditions is considered a mandate only if states or localities lack the authority to modify their programs to accommodate the new requirements and still provide required services. In some programs—such as Aid to Families with Dependent Children (AFDC) and Food Stamps—some states may lack such authority and any new requirements would thus constitute a mandate. Given the scope and complexity of the affected programs, however, CBO has not been able to estimate either the likelihood or magnitude of such costs at this time. These costs could be significant, depending on how strictly the deeming requirements are enforced by the federal government. Any additional costs, however, would be offset at least partially by reduced caseloads in some programs.

Mandates with no significant costs

Many of the mandates in S. 269 would not result in measurable budgetary impacts on state, local, or tribal governments. In some cases—eligibility restrictions based on non-legal status and death notations on birth certificates—the bill's requirements simply restate current law or practice for many of the jurisdictions with large populations and would thus result in little costs or savings. In others—sponsor reimbursement requests and preemption of laws restricting the flow of information to and from the INS—the provisions would result in minor administrative costs for some state and local governments, but even in aggregate, CBO estimates these amounts would be insignificant.

The provision requiring agencies to notify certain aliens that their eligibility for benefits has been terminated would impose direct costs on state and local governments. CBO estimates such costs would be offset by savings from caseload reduction resulting from the notifications. Another provision—state job service verification of employment eligibility—may result in significant administrative costs; however, those costs are funded through federal appropriations.

8. Appropriation or other Federal financial assistance provided in bill to cover mandate costs: None.

9. Other impacts on State, local, and tribal governments: S. 269 contains many additional provisions that, while not mandates or changes to existing mandates, could have significant impacts on the budgets of state and local governments. On balance, CBO expects that the provisions discussed in this section would result in an overall net savings to state and local governments.

Means-tested Federal programs

S. 269 would result in significant savings to state and local governments by reducing the number of legal aliens receiving means-tested benefits through federal programs, including Medicaid, AFDC, and Supplemental Security Income (SSI). These federal programs are administered by state or local governments and have matching requirements for participation. Thus, reductions in caseloads would reduce state and local, as well as federal, outlays in these programs. CBO estimates that the savings to state and local governments would exceed $2 billion over the next five years. These are significant and real savings, but in general, the state and local impacts of these federal programs are not defined as mandates under Public Law 104–4.

S. 269 would reduce caseloads in means-tested federal programs primarily by placing stricter eligibility requirements on both recent and future legal entrants. The bill would lengthen the time sponsored aliens must wait before they can go on AFDC or SSI, and, most notably, apply such a waiting period to the Medicaid program. S. 269 would also deny many means-tested benefits to PRUCOLs. Illegal aliens are currently ineligible for most federal assistance programs and would remain so under the proposed law.

Means-tested State and local programs

It is likely that some aliens displaced from federal assistance programs would turn to assistance programs funded by state and local governments, thereby increasing the costs of these programs. While several provisions in the bill could mitigate these costs—strengthening affidavits of support by sponsors, allowing the recovery of costs from sponsors, and authorizing agencies to deem in state and local means-tested programs—CBO expects that such tools would be used only in limited circumstances in the near future. At some point, state and, particularly, local governments become the providers of last resort, and as such, we anticipate that they would face added financial pressures on their public assistance programs that would at least partially offset the savings they realize from the federal programs. Because these state and local programs are voluntary activities of those governments, increases in the costs of these programs are not mandate costs.

Medicaid

Emergency Medical Services. Section 212 of S. 269 is apparently intended to offer state and local governments full reimbursement for the costs of providing emergency medical services to non-legal aliens and PRUCOLs on the condition that they follow verification procedures to be established by the Secretary of Health and Human Services, after consultation with the Attorney General and state and local officials. Existing law requires that state and local governments provide these services and, under current matching requirements, pay approximately half of the costs. Ambiguities in the drafting of the provision prevent CBO from estimating its effect.

While no reliable totals are available of the amounts currently spent to provide the services, areas with large alien populations claim that this requirement results in a substantial drain on their budgets. For example, California, with almost half the country's illegal alien population, estimates it spends over $350 million each year on these federally mandated services. Although CBO cannot estimate the effects of Section 212 on state and local governments, some idea of its potential effects can be gained by looking at analogous proposals for the Medicaid program. CBO estimates that modifying Medicaid to reimburse states and localities for the full cost of emergency care for illegal aliens would increase federal Medicaid payments to states by $1.5 billion to $3 billion per year.

Pre- and Post—Partum Care. The bill would allow certain mothers who are non-legal aliens to qualify for pre- and post-partum care under the Medicaid program. CBO does not have enough information to estimate the potential budget impacts to state and local governments of this provision. Such impacts would depend critically on the type of documentation demanded by the Secretary of HHS to prove that the mothers met the requirement of 3 years of continuous residence in the United States.

10. Previous CBO estimate: On March 13, 1996, CBO prepared an intergovernmental mandates statement on H.R. 2202, an immigration reform bill reported by the House Committee on the Judiciary. (The bill was subsequently passed by the House, with amendments.) That bill had many provisions in common with S. 269. H.R. 2202 did not, however, include any of the requirements relating to driver's licenses, identification documents, or birth certificates that appear in S. 269. In addition, the deeming restrictions in H.R. 2202 applied exclusively to future entrants; aliens who entered before the enactment date would not have been affected. Therefore, S. 269—which would apply deeming to aliens who entered in the last five

years as well as to future entrants—would produce larger net savings in many benefit programs.

11. Estimate prepared by: Leo Lex and Karen McVey.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. SIMPSON. Mr. President, I yield to the Senator from Ohio.

Mr. DEWINE. Mr. President, let me first state that I want to congratulate my colleague from Wyoming, as well as my colleague from Massachusetts, for not just the work they have done on this bill, but, frankly, for the work they have done over the years on this very tough, very contentious, very difficult, but very important issue of immigration.

I have heard my colleague from Wyoming say on several occasions, as we have debated this bill in committee, that this is not really a bill or an issue that anyone gets a lot out of politically, and certainly not someone from the State of Wyoming. I certainly concur in that and understand that. I want to congratulate him for really doing the tough work of the U.S. Senate—work that began in the 1980's with the previous bill and continues on today. It is work that is many times not rewarded politically, certainly not appreciated many times, and is many times very controversial. I congratulate him for that.

This has been a contentious bill. We have had contentious debate in committee. The Senator from Wyoming and I have agreed on some issues and disagreed on other issues. I imagine that agreement and disagreement is probably going to continue on the floor today, tomorrow, and maybe for the rest of the week. Let me state that I do appreciate very much his tremendous work, as well as the work of Senator KENNEDY and, frankly, the work of all of the members of the subcommittee, some of whom have been involved in this task now for well over a decade.

Mr. President, we are here on the floor today to discuss a fundamental issue, a fundamental issue affecting the future of our country. Unlike most bills that come before Congress, this immigration bill really gets to the question of our national identity. Unlike most bills, this bill really speaks to who we are as a people, who we are as a nation. Quite frankly, also unlike most bills we deal with, the impact of this bill is going to be felt in 2 years, 5 years, 10 years, 20 years, and 30 years, because when you make a determination of who comes into this country and who does not come into this country, the consequences are profound, they are everlasting, and we have seen that, frankly, throughout the long history of our country.

Mr. President, in the darkest days of the cold war, back when Brezhnev was still ruling what was then known as the Soviet Union, Ronald Reagan gave a historic address to the British Parliament. It was in that famous speech in June 1982 that President Reagan predicted, ''The march of freedom and democracy will leave Marxism and Leninism on the ash heap of history.'' Many of us remember how controversial that statement was at the time. Some in this country considered it unnecessarily provocative, and thought that it would inflame our enemies for really no good purpose. Mr. President, it may have been provocative, but it was absolutely, beyond a shadow of a doubt, prophetic. It was true. In that speech, Ronald Reagan was trying to unify the West. He wanted to unify the forces of freedom for what he knew, as others did not, would be the climactic days of the struggle against communism.

In the last resort, what President Reagan appealed to in that speech was really our sense of identity, who we were, who we are. This is what he said:

> Let us ask ourselves: What kind of a people do we think we are? And let us answer: Free people, worthy of freedom and determined not only to remain so, but to help others gain their freedom, as well.

Ronald Reagan expressed, better than any political leader of my lifetime, a sense of what America really is—''the city on a hill, the land, the country of the future.'' When Ronald Reagan was a boy growing up in Illinois, he could still find Civil War veterans to talk to. In our time, over a century after the death of Abraham Lincoln, Ronald Reagan reminded us that America was still the last best hope of Earth. We must never, never forget this, Mr. President.

To turn our backs on this legacy—this legacy of hope, optimism, openness to the future—would be more than a mistake in policy. It would, I believe, Mr. President, truly be a diminution of who we are as a people. That is what I believe this immigration debate is all about. It is the same question Ronald Reagan asked to the British Parliament: ''What kind of people do we think we are?''

Mr. President, America's immigration policy defines who we are. It defines who gets into this country and who does not get in. In the process, it says a lot about our national values. Mr. President, we have been working on this bill in the Senate Judiciary Committee for a number of weeks. I believe we made some progress in revising the bill to reflect what I believe are the basic American values. First, the committee split the portions of the bill dealing with illegal immigration. An amendment was offered by Senator ABRAHAM, myself, Senator KENNEDY, Senator FEINGOLD, and others, to split the bill. The committee did, in fact, split the bill. It divided the bill into those sections dealing with the treatment of persons who are in the United States illegally from those provisions that cover legal immigration. I support this split because I believe that the problem of illegal immigration is substantially different from the issues raised by our legal immigration policy. And, therefore, these two issues, in my opinion, should be treated separately. They are distinct. I intend later on to say more about this important issue.

Mr. President, in considering the illegal immigration bill, I voted for tough penalties for those who violate our immigration laws, and I voted to expedite the deportation of those violators. I am also proud to say that I sponsored an amendment to block the imposition of unreasonable time limits on persons seeking asylum from repressive and often life-threatening foreign regimes. Our amendment sought to restore the status quo.

Today, immigration authorities cannot enter farm property without a search warrant. The bill before the committee would have changed that and would have allowed them to enter property—to enter a farm—without that search warrant. I sponsored an amendment to make sure they did not get that evasive new power.

Further, Mr. President, I cosponsored an amendment with Senators ABRAHAM and FEINGOLD that would have removed from the bill a provision that establishes a national employment verification system and a national standards for birth certificates and driver's licenses. I believe that these provisions are unduly intrusive. And, quite frankly, I believe they are unworkable. I further believe they would cost taxpayers millions and millions and millions of dollars. Again, Mr. President, I intend to say a great deal more about this later on.

Let me turn to the legal immigration bill. On the legal immigration bill, with Senators ABRAHAM and KENNEDY, I cosponsored an amendment to allow legal immigrants to bring their families to join them here in the United States. The bill, as originally written, tried to change the law allowing U.S. citizens to bring their families to America. The bill would have permitted, as written, U.S. citizens to bring in only their spouses, minor children, and in rare cases their parents. Under that provision, as the bill was written before the amendment—I bring this up because I am sure this issue is going to come back again—a U.S. citizen under that provision of the bill as written would have been permitted to bring some children in but not others. I believe that is bad national policy. It undermines the family structure. And, frankly, in the history of civilization there has never been a stronger support structure than the family.

I also supported amendments that would continue to allow universities and businesses to bring in the best and the brightest to enrich our country. I intend to return to that issue as well later.

Mr. President, in all of our deliberations in the Judiciary Committee, I have stressed one key fact about America—the fact that throughout our national history, throughout our history, the effect of immigration on this country has been positive. Immigration has helped form the basis for our prosperity and our national strength. It has

made our country and the world a better place.

I tried to approach these difficult issues keeping in mind that a fair, controlled but open immigration policy is in our national interest. I believe we have made the first significant steps in this bill in the committee, in the amendment process, toward that goal.

Mr. President, even though we managed to improve the bill in a number of ways, I still have some problems with the present bill. In the name of protecting our borders, this bill would impose serious burdens on law-abiding American citizens, and it would move America away from its extremely valuable centuries-old tradition of openness to new people and new ideas.

Let me now go through the bill and lay out some of the particular concerns I have about the bill as it is currently before us today.

First, let me start with the very contentious issue of verification—the verification of employment. To begin with, the bill would create a massive time-consuming and error-prone bureaucracy. As originally written, the bill called for a process under which every employer would have to contact the Immigration and Naturalization Service and Social Security Administration to verify the citizenship of every prospective employee. My colleague from Ohio, Congressman STEVE CHABOT, called this 1–800–BIG-BROTHER. I think he is right. We did succeed in taking that provision out of the bill, or at least taking part of it out of the bill. But the long-term plan remains the same. In fact, the bill now contains a provision calling for numerous entitlement programs to do the very same thing.

I have had some experience in dealing with this kind of extremely large computerized database. My experience is from my time as Lieutenant Governor in Ohio when we were dealing with the criminal record system database. I contend that what I have learned from trying to improve, correct, and refine the criminal database is very applicable and very relevant to this whole discussion about our attempt to create a database for employees and employers.

When I was Lieutenant Governor, I was responsible for improving Ohio's criminal database so that the police could have ready access to a suspect's full criminal record history. When I started on this project, I was shocked to discover that in the State of Ohio—these figures are true in most States—only about 5 percent of the files, 5 percent of the computer information you got in a printout when you talked about a suspect, it put a suspect's name in and only about 5 percent of the information was accurate in regard to important facts—5 percent.

In criminal records, we are dealing with a database that we all know is important, that the people know is important, that we take a great deal of care in maintaining, and that is limited to the relatively small number of citizens who are actually criminals. In fact, when we deal with the criminal record system, we know that literally life and death decisions are being made based on the accuracy of that criminal record system, and we have spent hundreds of millions of dollars to bring it up to date, to make it more accurate, and yet we still know that it is highly error prone. We still know the accuracy level is very, very low.

Mr. President, I shudder to think what the inaccuracy rate will be in a database big enough to include every single citizen and noncitizen residing in this country. I shudder to think of what the accuracy or the inaccuracy level will be when we are dealing with a database where life and death decisions are not actually being made but, rather, where employment decisions are being made. The database will be unreliable. It would be time consuming, and it would be expensive.

In fact, the only way to make a database more reliable is frankly to make it more intrusive, and that clearly is what will happen. Once the pilot projects are running and we determine how inaccurate that information is, once the complaints start coming in from prospective employees and from employers who are dialing the 1–800 number, or putting the information in and we find out how inaccurate that is, there will be pressure to change it. And the pressure will be to make it, frankly, more intrusive—more information, more accurate. I believe that it would clearly lay the groundwork for a national system within 3 years.

Let me turn, if I can, Mr. President, to my second concern about this bill. That concerns the national standards for birth certificates and drivers' licenses. Yes, you have heard me correctly. In this Congress where we have talked about returning power to the States, returning authority to the States, this bill calls for national, federally imposed and federally enforced standards for birth certificates and drivers' licenses. Here is what the bill says as written, as it is on the floor today.

Section 118. Improvements in Identification-Related Documents.

(a) Birth certificates.

1. Limitation on Acceptance. (A) No Federal agency, including but not limited to the Social Security Administration and the Department of State—

Listen to this:

and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in subparagraph (5), unless it is issued by a State or local government registrar and it conforms to standards described in subparagraph (B).

Continuing the quote:

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Secretary of Health and Human Services, after consultation with the Association of Public Health Statistics and Information Systems, and shall include but not be limited to.

(i) certification by the agency issuing the birth certificate, and.

(ii) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and use by impostors.

Mr. President, I am going to talk about this later, but I think it is important to pause for a moment and look at what this section does because it does in fact tell each State in the country, each local jurisdiction what it has to do in regard to issuing birth certificates. It in essence says for the 270 million people in this country the birth certificate you have is valid; you just cannot use it for anything. It is valid, it is OK, but if you want to take a trip and you want to get a passport, you have to go back to wherever you were born and have them issue a new birth certificate that complies with these national standards.

Think about it. Think about what impact this is going to have on the local communities, the cost it is going to have. Think about the inconvenience this is going to bring up for every American who uses a birth certificate to do practically anything—getting a driver's license, for example. And look at the language again. Not just no Federal agency may accept for any official purpose a copy of a birth certificate unless it fits this requirement but then the language goes on further and says no State agency.

So here we have the Federal Government saying to 50 States, no State agency shall be allowed to accept a birth certificate unless it fits the standards as prescribed by a bureaucrat in Washington, DC. Tenth amendment? Unbelievable, absolutely unbelievable. There are clear constitutional law problems in regard to this. Senator THOMPSON, who is on the committee, raised these issues in the committee and it is clear that this section has some very major constitutional law problems.

Here is in essence what this means. The Federal Government will tell every citizen that his or her birth certificate is no longer good enough for any of the major purposes for which it is used—not good enough for traveling, not good enough for getting married, not good enough for going to school, not good enough for getting a driver's license. How about constituent problems? We are all going to have to hire more caseworkers back in our home States when this goes into effect just to answer the phone and listen to people complain about this. How many people every year turn 16 and get their driver's license? How many people every year want to travel overseas, want to get a passport? Try telling them that birth certificate you got stuck in the drawer back home you used 5 years ago for something else, ''Yes, it is still OK, you cannot use it, you have to go get a new one.'' Absolutely unbelievable.

(Mr. CRAIG assumed the chair.)

Mr. DEWINE. This bill would require every local county to redo its entire

birth certificate system in a new federally mandated format. The Federal Government will be telling Greene County, OH, everything to do with the certificate right down to what kind of paper to use. And the bill goes even further. Not only does it deal with birth certificates, it also deals with driver's licenses, and here is what the bill says. Let me quote.

Each State's driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation.

It continues.

Neither the Social Security Administration nor the passport office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

That means every State will have to issue federally mandated driver's licenses. It is my opinion this whole section of the bill, section 118, should be deleted.

Now, I understand what my friend from Wyoming is trying to accomplish here. And it is a laudable goal. I understand what other proponents are trying to accomplish. Most States would have no problem I think with an attempt to improve their driver's license. In fact, in my home State of Ohio we have come up in the last several years with a process that was put in place when I was Lieutenant Governor, with a brand new driver's license system, so when your license comes up for its normal renewal you have what we believe at least is a tamperproof driver's license. I understand, and I think most States want to move in that direction, most States are in fact moving in that direction, but to mandate this from Washington with the tremendous costs, and not just the costs but the unbelievable disruption and inconvenience I think is just a serious mistake. There is some great irony that this Congress, which has very legitimately and correctly been so concerned about turning power back to the States, should in this case be saying not only are we not turning power back to the States, we are taking power; we are taking a basic ministerial function of government, issuing a birth certificate, a basic function of State government and county government, local government, and saying, ''We are going to tell you how to do it, and if you don't do it our way, you can't use that document even for State purposes.'' To me that is just wrong. It is taking us in the wrong direction.

Mr. President, this Congress has revived this great tradition, American tradition of State and local and individual freedom as enshrined in the 10th amendment.

To impose this huge new burden on individuals and on local communities will surely violate that principle. In fact, if we can think back that far, 15, 16 months ago, one of the first bills passed by this Congress was legislation to try to limit unfunded mandates. If this provision is not an unfunded mandate, I do not know what is. It is going to cost the States a lot of money to comply. And it is going to cost taxpayers, both through what it has cost the States, but also through what it is going to cost them in getting new birth certificates, new drivers' licenses.

According to the Congressional Budget Office, these mandates would impose direct costs on States, direct costs on States and local communities of between $80 million to $200 million. Those of us who used to work at State and local government know that $80 to $200 million is an awful lot of money. It is real money.

Finally, leaving decisions regarding what features these documents should contain to Federal bureaucrats—and that is what this bill does, not to Congress but to Federal bureaucrats—I believe is unwise and potentially dangerous. Under the current language of this bill, as we consider it today, the Department of Health and Human Services and the Department of Transportation could develop standards even more intrusive and even more costly than those spelled out in the original legislation, because, really, the way the bill is written today, they have more freedom, more flexibility—the bureaucrats do.

I do not believe the setting of standards like these should be left to the Federal bureaucracy with nothing more than a requirement that they consult with outside groups. The bill does not provide for any congressional review of the standards, nor does it impose any limit on what HHS and DOT can mandate. The provision is ill-conceived and contrary to any reasonable concern for our liberties. I will urge it be deleted.

Let me turn now to another area of concern. That has to do with the issue of asylum. The bill, as written, says something to people who want to apply for asylum in America, and says it, really, for the first time in our history. I want to emphasize this. For the first time in our history, this is what we will be saying to people who apply for asylum: You must now apply for asylum within a set period of time.

That may sound reasonable. First of all, it is contrary to what we have done previously in the long history of this country. And, I think, on closer examination, as we go through this, it will become clear why this seemingly innocent provision will inevitably lead to some very, very great hardships for some of the most abused people in the world. It says that an asylum seeker must apply within 1 year of arriving in this country or else get a special exception from some bureaucrat for ''good cause.'' You get an exception for good cause. What constitutes good cause for an exception is, again, up to the Federal bureaucracy to define.

I think this is a terrible solution. It is a solution for a problem that does not exist. I will talk about this in a moment. But, if we had been on the floor a few years ago, no one could say there was not a problem with the processing of asylums, with the number of applications for asylum, because there was. But, frankly, changes have been made in the system, changes which have corrected the problem. There is not a massive influx of asylum seekers into America and there is already a reasonable judicial process to determine which applicants are worthy of admission. Only about 20 percent of asylum seekers get in, one of five gets in anyway, through this normal, regular process. The system, frankly, is not broken, and trying to fix it could and would, in my opinion, do serious harm to people who are trying to escape oppression, torture, and even death in their native lands.

If you talk, as I have, to people in the asylum community, people who deal with these issues and who deal with these people every day, they will tell you that some of the most heart-wrenching cases involve people who are so emotionally scarred by torture that it takes them more than a year to come forward and seek asylum. Under the original bill, aliens seeking asylum would have been required to file for such asylum within 30 days of arriving in the United States. Along with Senators KENNEDY, FEINGOLD, ABRAHAM and others, I worked to defeat this provision during our work in the committee. We were able to do that and to change it and to extend it to 1 year. This 1-year provision still causes problems. Let me talk about that.

First, since the Immigration and Naturalization Service imposed new asylum application regulations in late 1994, the flagrant abuses of the asylum process have been substantially reduced already.

Second, it turns out that it is the people most deserving of asylum status, those under threat of retaliation, those suffering physical or mental disability, especially when abused resulting from torture, who would most be hurt by the imposition of any filing deadline.

The committee did make the change. It made the change to strike the 30-day provision by a vote of 16 to 1. But I believe we do need to go further and we need to restore the bill and the law to the status quo. The committee passed an amendment by the distinguished Senator from Colorado [Mr. BROWN]. Senator BROWN's language is currently in the bill, and I believe, as I said, it is far better than the original 30-day limit. But I do remain convinced the arguments that were so simple and compelling against the 30-day time limit are equally compelling against the provision as it stands now. Let me talk about that.

First, because the asylum system works, and works pretty well—I do not think there is any dispute about that—we simply do not need a time limit for

asylum seekers. As I stated, we acknowledged several years ago the asylum system was in fact broken and there were serious problems. Under the old system, people could get a work authorization simply by applying for asylum. That is what they did, and that was the hole.

This opportunity became a magnet, even for those who had absolutely no realistic claim for asylum. But the INS changed this. When the INS changed its rules in late 1994, it stopped automatically awarding work permits for those filing for asylum, and it got rid of a great deal of the problem. The INS then began to require an adjudication of the asylum claim before it awarded work authorizations. It also, at the same time, began resolving asylum claims within 180 days.

The results are significant. According to the INS, in 1994, before the new rules were put in place, 123,000 people claimed asylum. In 1995, after the new rules were established, only 53,000 people even applied for asylum. Instantly you went from 123,000 who applied one year, the next year down to 53,000; that is a 57 percent decline in just 1 year.

Also, the INS reports it is now completing 84 percent of the new cases within 60 days of filing and 98 percent, virtually all new cases, within 180 days of filing. Maybe that is why the administration, the INS, opposed any time limit on filing. The new system works. It is not broken. It does not need to be fixed.

The new system works, and the new deadlines would—and here I quote the INS Commissioner. Here is what she says. The new proposal would ''divert resources from adjudicating the merits of asylum applications to adjudication of the timeliness of filing.'' So what the INS is saying is that we fixed this problem, it is working, do not give us another mandate. Do not shift us over here, so we have to have separate adjudications about the timeliness and then go over and adjudicate the merits. Let us proceed the way we are doing today. It is working.

Point No. 2, why we really should not have this time limit. This, to me, is the most compelling, because the facts are the most worthy cases for asylum would be excluded if we impose a deadline.

Among those excluded would be cases of victims of politically motivated torture and rape, the very people who need more time to apply, the very people who deadlines would hurt the most. These are the people who have suffered a great trauma that prevents them from coming forward. These are the people who fear that coming forward for asylum would threaten their families and friends in their home countries. These are the two types of people, Mr. President, for whom time is important.

Time can cure the personal trauma and culture shock that prevents them from seeking asylum. Time can allow conditions to change back home. A time limit—any time limit—will place these people at risk.

Let us talk now about some real people.

One man, whose name is Gabriel, had a father who was chairman of a social democratic party in Nigeria. His father was arrested many times. His halfbrother was executed for opposing the military regime. Gabriel participated in a student demonstration. He was arrested and imprisoned back home for 8 months. He was tortured by guards who carved the initials of the ruling general into his stomach and then sprayed pepper on the wounds. They whipped him, and they forced him to drink his own urine.

Gabriel fled to the United States and, understandably, he was terrified that if he applied for asylum, he would be sent back to Nigeria where he could be murdered. He only applied for asylum after he was arrested by the INS, 5 years after coming to America.

Let me give another example—and the list goes on. Another man was a member of his country's government in exile, elected in a democratic election that was later annulled. When the military took over his country, many of the members of the government were tortured and imprisoned. This particular man fled his country and came to the United States where he sought the United Nations' help in restoring democracy at home. He sought residence in other countries, and he was concerned that application for asylum in this country would be used for propaganda purposes by the military at his home country.

Fifteen months after arriving in the United States, he did seek asylum. Although he was highly educated, although he was proficient in the English language, it took this man over 2 months to file that application. He was finally granted asylum in the United States, but to this day, he has asked that his name, that his home country and the fact that he sought asylum be held in the strictest confidence. He is still fearful.

A third example. Another man was a political dissident against the regime in Zaire. He published an article about the slaughter of students who had demonstrated against the regime, and that was one of the political offenses that ultimately landed this man in jail. In prison, the guards beat him, the guards raped him. When he came to the United States, he was simply unable to talk about his story. His Christian beliefs did not permit him to use the words necessary to describe the terrible tortures he had undergone. It was only after many meetings with legal representatives that he was finally able to tell his story. He finally applied for asylum over a year after entering the United States.

Those are just three examples, Mr. President. There really is practically no end to these examples, practically no end to worthy cases that would be foreclosed should we decide to apply deadlines. I know proponents of a time limit will argue that the bill does contain an escape clause, and it does on paper, the good-cause provision. But I think it is significant to point out that under this good-cause provision, the burden is on the applicant to show good cause. And the question of what constitutes good cause is really another problem with the bill.

In the report language, it says good cause ''could include''—note that, Mr. President, not ''must'' or ''should'' but ''could'' include—''circumstances that changed after the applicant entered the United States''—I am quoting now—''or physical or mental disability, or threats of retribution against the applicant's relatives or other extenuating circumstances.''

The report, as written, would allow the issuance of Federal regulations that might exclude the very type of applicants that the committee specifically intended to include. I believe that we should reject the time limit outright. We are not really talking about mere legalisms here. I think what is at stake is a fundamental reassertion of a truly basic, bedrock value of America: the opportunity to apply for asylum, the opportunity to use this country as a refuge.

I think it is important to note, as I did a moment ago, that there is not a problem. The INS has already taken care of this problem. What this bill does is create a problem—not for us, but what it will do is create a problem for people who are among the most abused, who have suffered the most and who seek freedom in this country.

I am reminded in this context of another story that President Reagan used to tell. He said, ''Some years ago, two friends of mine were talking with a Cuban refugee who had escaped from Castro. In the midst of the tale of horrible experiences, one friend turned to the other and said, 'We don't know how lucky we are.' One Cuban stopped and said, 'How lucky you are? How lucky you are? I have someplace to escape to.' ''

At this point, as he told the story, President Reagan looked out at America and drew his conclusion, and this is what he said: ''Let's keep it that way.''

Mr. President, let us keep it that way. Let us keep the light on over the door of America for some people who very desperately need that light, who need that hope.

Let me turn to another issue, and that is amendments that we may see on the floor concerning family. I want to turn now to some other provisions in the original bill that we managed to alter and change in committee but that may come up on the floor as amendments.

One of the most important of these issues had to do with the meaning of family. The original bill fundamentally changed the definition of a nuclear family. The original bill said to U.S. citizens that they could continue to bring their children to America but

only—this is to U.S. citizens now, said to U.S. citizens—they could continue to bring their children to America but only if the children are under 21, and they could only bring their parents to America if the parents are over 65 and the majority of their children live in America.

The original bill even went so far as to say that if a child was a minor but that child was married, that child could not come to this country either. You could not bring that minor child to the country if he or she decided to get married.

Mr. President, in a time when everyone agrees that the fundamental problem in America is a family breakdown—I do not think anyone on the floor disagrees with that—I think it is senseless to change the law to help break up families.

In the committee I kind of related this to my own life and my own experience and pretended for a moment with my family situation, if I was a new citizen in this country, if I had come from another country and was a naturalized citizen. Frankly, Mr. President, in my situation I have trouble saying that my 4-year-old daughter Anna—or Anna who is going to in 2 days become 4 years old—is a central part of my nuclear family, but my 28-year-old son Patrick is not; he is now part of my extended family; my 27-year-old daughter, Jill, she is not part of my nuclear family anymore, she is part of my extended family. That is what the bill had originally said.

Finally, the bill also originally said—I cannot understand this either—that MIKE DEWINE, as an only child I could bring my parents into the country if they are over 65, but my wife Frances DeWine could not bring her parents into the country because she is one of six. She, as one of six, she could not bring her parents into the country—only if a majority of her siblings actually lived in the United States and were citizens in the United States. Again, it does not make any sense. I think we are going to end up revisiting this issue. I think it is going to come back up.

Mr. President, at a time when Congress has acted to rein in public assistance programs, I do not believe we should deprive people the most basic support structure there is, their immediate family. It just does not make sense. Mr. President, we took these family limitation provisions out of the bill in committee. I hope that we will be able to sustain this on the floor and we will not change this.

Let me turn finally to one more issue, that has to do with the linkage of this bill. I believe it was a mistake in the original bill to combine the issues of legal and illegal immigration. For my colleagues watching on TV or on the floor who are not on the committee, we separated this in committee. What you have before you are two separate, distinct bills. I think it should stay that way because the issue of illegal immigration is decidedly distinct from the issue of legal immigration.

I think that the biggest mistake of the original bill was to combine the issues of legal and illegal immigration. Illegal immigrants are lawbreakers. That is the fact. Frankly, Mr. President, no society can exist that allows disrespect for the law.

On the other hand, legal immigrants are people who follow the law. They are an ambitious and gutsy group. They are people who have defined themselves by the fact they have been willing to come here, play by the rules, build a future, and take chances. To lump them in, Mr. President, legal immigrants, with people who violate the law is wrong. We simply should not do it. Historically Congress has treated legal immigration and illegal immigration separately. Father Hesburgh in his 1981 report indicated that Congress should control illegal immigration, while leaving the door open to legal immigration.

Congress has in fact done this over the years and kept the issue separate. In 1986 Congress dealt with illegal immigration. In 1990 Congress dealt with legal immigration. In fact, Mr. President, the very immigration bill that is before us today started its legislative career as a piece of legislation separate from the bill covering legal immigration. It was only late in the subcommittee markup that the bills became joined.

These issues, Mr. President, have been treated separately for many years. They have been treated separately for one simple reason—they present different issues. They are different. To treat them together is to invite repetition of numerous totally false stereotypes. The combining of the bills leads, I think, to the merging of the thought process into a great deal of confusion.

Let me give an example. Say, for example, that aliens are more likely than native-born Americans to be on welfare and food stamps or Medicaid. But the fact is, Mr. President, this generalization is not true about legal immigrants. The statement I just made is wrong in regard to legal immigrants. If you separate out the legal immigrants, you find when you are talking about legal immigrants that they are no more likely than native-born Americans to be applicants of social welfare services. In fact, legal immigrants who become naturalized citizens are less likely—let me repeat—less likely to go on public assistance than native-born Americans. That is what the facts are.

Now, a recent study, Mr. President, points to the same fact. It found that foreign-born individuals were 10 to 20 percent more likely than native-born Americans to need social services. That is an alarming statistic, if you just stop there. But if you go further, and if you exclude refugees from the total, the foreign-born individuals are considerably less likely to do so than native-born citizens. Again, the point I made a moment ago.

Let us turn, Mr. President, to another dangerous stereotype frequently asserted. That is, that one-half of our illegal immigration problem stems from people who first came here legally. Let me repeat it. Let me repeat this. The statement is made that one-half of our illegal immigration problem stems from people who first came here legally. Well, that is true.

That is a true statement. But it is only true as far as it goes. In fact, Mr. President, it is a very misleading statement. What the people who say this are talking about is not legal immigrants who stay here and somehow become illegal; they are talking instead about students and tourists who had the right to visit America legally. They never were legal immigrants in the classic sense. They had the legal right to be here, but they were not legal immigrants. These are students, tourists who come here legally, and then who stay and do not leave when they are supposed to leave. That is a huge problem in this country. But it is not a problem of legal immigrants.

These people who are creating this problem were never legal immigrants. By definition, Mr. President, legal immigrants are people who are allowed to stay. Legal immigrants by definition are here legally. They are not the problem.

Mr. President, this is also an important source of confusion on the question of whether immigration is rising rapidly. Some people claim, for example, that legal immigration is skyrocketing. They base their contention on INS numbers that include as legal immigrants illegal immigrants who are made legal by the 1986 Immigration Reform and Control Act.

Mr. President, if you take the total number of legal immigrants and subtract those that were illegal before the 1986 act, you find that legal immigration has been holding at fairly constant levels. That is what the facts are.

Let me just give an example, Mr. President. In the 1990's, we have had about 2.8 immigrants for every 1,000 Americans. Is that a lot? Well, we could judge for ourselves. The first two decades of the century, to make a comparison, the rates were 10.4 per 1,000 and 5.7 per 1,000.

Mr. President, I do not think knowing what we know now, that it would have been wise to say in 1910 that there were too many immigrants coming into America. It was precisely that generation of immigrants at the turn of the century that coincided with America's transition from the periphery of world events to the status of a global superpower.

Mr. President, let me stop. I have almost concluded, but let me stop at this point to yield to my friend, Senator SIMPSON from Wyoming.

Mr. SIMPSON. Mr. President, I appreciated very much my friend, the Senator from Ohio, yielding. I certainly would yield additional time. But

we have a time constraint with the ranking member and would like to, at the direction of the majority leader, present some amendments for disposition tomorrow. So, with that explanation, let me proceed.

AMENDMENT NO. 3669

(Purpose: To prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education)

Mr. SIMPSON. Mr. President, I submit to the desk Simpson amendment No. 1 and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Wyoming, [Mr. SIMPSON], proposes amendment numbered 3669.

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

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

The amendment is as follows:

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

"SEC. 214. USE OF PUBLIC SCHOOLS BY NON-IMMIGRANT FOREIGN STUDENTS.

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

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

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

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

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

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

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

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The Dorgan amendment is set aside.

Mr. SIMPSON. Mr. President, let me describe the amendment briefly. It is intended to prevent foreign students coming to the United States to obtain a free taxpayer-financed education at a public elementary or secondary school. This is a growing problem. Children are coming to the United States and staying with friends or relatives or even strangers to whom they pay a fee and attending public schools as residents of the school district.

The amendment prohibits counselor offices issuing visas for attendance at such public schools or the INS approving such cases unless the foreign student can demonstrate they will reimburse the school, public elementary or secondary school, ''for the full, unsubsidized per capita cost'' of providing such education, or unless the school waives reimbursement.

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

It would not prevent those children who are validly in the United States as dependents of persons lawfully residing here from applying for admission to public schools, nor would it prevent public schools from hosting foreign exchange students who would continue to be admitted as exchange visitors on ''J'' visas.

The amendment is designed, however, to deal with the problem of the ''parachute kids'' which Senator FEINSTEIN dealt with previously—which has received rather thorough attention—those who come here to receive a U.S. education at taxpayer expense.

Mr. KENNEDY. Mr. President, as the Senator has pointed out, this was in the initially proposed legislation. It is, I think, a justified and wise amendment.

And I understand that the Senator will also be offering shortly a pilot program for ensuring that foreign students here on student visas are actually enrolled and attending our schools. It is obviously an important opportunity for students to be able to come to the universities here in the United States. They should be welcomed. They should have an opportunity to be in compliance with the university rules.

This is really, first, a pilot program and, second, an attempt to find out what happens to these students when they are here and also what happens to them afterward. We do not have that kind of information. There are reports that individuals just get the permission to come here, maybe take one course, and effectively are ''gaming'' the system to circumvent other provisions of the legislation. That clearly was never the intention.

It seems to me this is a worthwhile program. It is targeted. It is limited. There is an important need to understand exactly what is happening with many of these students. I support the program.

I just wondered if I could ask the Senator a question. In the amendment, it says that students must be making ''normal progress'' toward a degree in order to keep the visa. Do you agree with letting the universities themselves make a decision about whether the student is in good academic standing or make a reasonable attempt to define that in a reasonable way?

Mr. SIMPSON. In connection with that amendment, that is correct.

Mr. KENNEDY. I thank the Senator. I hope that we will pass this.

Mr. President, I understand the amendment is going to be one of the amendments that will be offered, and now the one we have before the Senate prohibits kids on the student visas from attending public schools—our elementary and secondary schools—at the taxpayers' expense unless it is part of an exchange program. That is a wise amendment.

As I pointed out, if one games—a student is to attend a private school and then circumstances change. They should not undermine the basic reason that they were able to get here, and that was to attend the private school and pay the normal tuition, and to change to a public school at the public's expense. I think that is certainly consistent with fairness to taxpayers in that local community. I think it makes sense. I intend to support that amendment.

Mr. SIMPSON. Mr. President, I ask that amendment be submitted tomorrow. I ask for the yeas and nays and that the vote be held at a time convenient to the majority and minority leaders.

I withhold that request, Mr. President.

Mr. KENNEDY. As I understood, it is the intention in terms of expediting the consideration of the legislation on these three amendments—there may be those who are returning to the Senate who may want to have an observation about it so as to protect their interests—that the Senator was going to

ask unanimous consent that the time for the votes on these measures be set by agreement by the majority and minority leaders, that the schedule for the particular votes on all three would be set by the majority and minority leaders at an appropriate time for the leadership. That seemed to be a reasonable request. These are amendments that are related to the legislation and which the committee had some opportunity to review before. It is just an attempt to move this process along that we are trying to devise a path so we could begin to consider the legislation.

We temporarily set aside the Dorgan amendment. That can always be called back at any time. What now is being asked is that these three amendments would appear, one amendment after another, temporarily setting it aside, and it would be the intention of the Senator from Wyoming to ask for the yeas and nays on all three and to have the votes stacked in the order which the majority and minority leaders care to have.

Mr. SIMPSON. Mr. President, to expedite the process, let me withhold further action on amendment No. 1 and submit amendment No. 2 and amendment No. 3, speak on all three of them together, the purpose being that the majority leader had requested our assistance in bringing appropriate amendments before the body tomorrow, stacking those amendments. These are three amendments that are submitted. There may be controversy that is not expressed today. If that is so, set a time limit tomorrow to do that.

The purpose is to submit these three amendments, move them forward with the yeas and nays, let the majority leader and minority leader define in the context and the time limit as to what they wish to do with them tomorrow. That is the purpose.

AMENDMENT NO. 3670

(Purpose: To establish a pilot program to collect information relating to nonimmigrant foreign students)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3670.

Mr. SIMPSON. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

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

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

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

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

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

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

(c) INFORMATION TO BE COLLECTED.

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

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

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

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

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

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

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

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

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

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

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

Mr. SIMPSON. Mr. President, this is the amendment, amendment No. 1 and No. 2, that Senator KENNEDY addressed, to enable the INS to keep track of foreign students studying in the country. The amendment provides a source of funding for INS to establish a very basic system for keeping track of foreign students. It is a measure supported by the FBI Director, who expressed concerns at our ability to track such students in a 1994 memorandum regarding possible tariffs. It is not an intrusive provision. I answered a question of Senator KENNEDY to indicate that.

Colleges and universities are already required to provide this sort of information to the INS. The problem in the past has been that the INS has not devoted such resources to this activity to create a body of reliable information. The amendment's aim is to provide the funding so the INS can implement a system to keep track of foreign students studying here, and it seems reasonable such funding should come from the students themselves and not from the taxpayers.

A student who is willing to pay $10,000 or $20,000 in this country, or $80,000 to $100,000 through the entire

curriculum, is not likely to be seriously concerned about paying the additional fee of $50 or $100 for the issuance of the student visa in accordance with this amendment.

I ask unanimous consent that the amendment be laid aside.

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

AMENDMENT NO. 3671

(Purpose: To create new ground of exclusion and of deportation for falsely claiming U.S. citizenship)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3671.

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

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

The amendment is as follows:

After section 115 of the bill, add the following new section:

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

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

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

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

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

Mr. SIMPSON. Mr. President, this amendment would add a new section to the bill. The section would create a new ground of exclusion of deportation for falsely representing oneself as a U.S. citizen.

This amendment is a complement to another that I will be proposing. The other amendment would modify the bill section which applies and provides for pilot project systems to verify work authorization and eligibility to apply for public assistance. One of the requirements of that other amendment is that the Attorney General conduct certain specific pilot projects, including one under which employers would be required to verify the immigration status of aliens, but not persons claiming to be citizens. Such citizens would be required only to attest as being citizens. That was discussed in committee. If you are a U.S. citizen, why should you have to go through these procedures? Well, obviously, I concur with that.

The major weakness in such a system is the potential for false claims of citizenship. That is why I offered the present amendment which will create a new major disincentive for falsely claiming U.S. citizenship. Lawful permanent aliens, or residents who falsely claim citizenship, risk deportation and being permanently barred from entering the United States. Since they are work-authorized, they would have little reason to make a false claim of citizenship.

Illegal aliens, on the other hand, would know that they could not be verified if they admitted to being aliens and the verification process were conducted. Yet, they would also know, if they falsely claim to be citizens and were caught and apprehended, they would be deported and permanently barred. Thus, the risk involved in making the false claims would be high for them indeed. If the present amendment were enacted into law, that would be the case. If the amendment were enacted and the project involving citizen attestation were conducted, a significant number even of illegal aliens may well be deterred from seeking jobs in the United States. That is the basis of the third and final amendment, which I submit this evening.

Mr. KENNEDY. Mr. President, I think this is a good amendment. It is instructive to put it in at this time because I think this might be able to add a dimension in being more effective in terms of protecting Americans in job situations. I think, first, as the Senator pointed out, if the person represents that they are a citizen and they are not and they get the job, they are undermining the ability of the American to have the job.

Second, if they do it in terms of the welfare provisions, they are basically undermining the American taxpayers and doing it for fraudulent reasons. The penalty would be deportation or exclusion, as I understand the amendment. So it seems to me to make a good deal of sense from any point of view. I hope tomorrow we will accept the amendment.

Mr. SIMPSON. Mr. President, I ask unanimous consent that amendments numbered 3669, 3670, and 3671 be temporarily laid aside in the order in which they were offered and that they be made the pending business at the request of the majority leader after notification of the Democratic leader.

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

Mr. SIMPSON. I further ask that it be in order for me to ask for the yeas and nays on the three amendments, with one showing of seconds.

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

Mr. SIMPSON. I now 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. 3667

Mr. SIMPSON. Mr. President, I now ask unanimous consent that the Dorgan amendment recur as the pending amendment.

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

AMENDMENT NO. 3672 TO AMENDMENT NO. 3667

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3672 to Amendment No. 3667.

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

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

The amendment is as follows:

Strike all after the word ''Sec.'' and insert the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a ''firewall'' to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

Mr. KENNEDY. Mr. President, I was reading that it be made the pending business at the request of the majority leader after notification of the Democratic leader. I am sure that will all be done in good faith. But I understand that notification of the Democratic leader includes that if a Member of our party would like to speak and address those amendments, I assume that would be respected. I make that assumption.

Mr. SIMPSON. Mr. President, I certainly make that assumption. I understand it to be notification and agreement by the Democratic leader.

Mr. KENNEDY. I thank the Chair. As far as the discussion then on that measure, I know there are other Members that want to address the Senate on other matters. I see the Senator from South Carolina, who wanted to speak, as well, on the issue of Senator DORGAN's amendment.

Mr. SIMPSON. If I may, I believe Senator DEWINE had not concluded his remarks when I requested the floor. I appreciate very much his willingness to do that so we could get those amendments before the body. How much more time does Senator DEWINE need?

Mr. DEWINE. I probably have 6, 7, or 8 minutes.

Mr. SIMPSON. I appreciate that. Then we will yield to Senator HOLLINGS for a discussion on the Dorgan amendment and temporarily go off of this measure. I thank the Senator from Ohio very much for his courtesies in enabling us to go forward with an agenda for tomorrow.

Mr. DEWINE. Mr. President, let me conclude my general comments about this bill today. I think America's greatness has been created, generation after generation, by driven self-selected individuals who came here as legal immigrants. We can think of names such as Albert Einstein, from Ohio, someone like George Olah who came here from Budapest in 1957 and taught at Case-Western Reserve, and won the Nobel Prize for chemistry in 1994. The original bills as introduced actually said to people like Einstein and Olah, ''Get lost, you can come to the U.S., but only if you jump through a whole bunch of bureaucratic hoops from the State Department and the Labor Department.''

A lot of these provisions were, in fact, changed in committee. Mr. President, I think we really do not need to be making it any harder for these talented, energetic people to come and help us build our great country. In fact, Mr. President, we became the richest, most powerful nation in the history of the world by doing exactly the opposite—by encouraging them to come.

No, Mr. President, America's immigration problem is not the high-quality researchers and professors wading the Rio Grande in the dead of night or scrambling over a fence to avoid the Border Patrol.

We should and can crack down on illegal immigration. That is a law enforcement issue. We should not allow that effort to serve as a Trojan horse for other measures—measures that would hurt America's future by rejecting the very finest and most noble traditions of America's past.

To reverse course on immigration, as some might recommend, is to say that America from now on will define itself as a country that is fearful of change, afraid of competition, and convinced that her best days are past. That is not the attitude that made America the greatest country the world has ever seen. An America that thinks itself as weak and threatened is not the America that I see. It is not the America that we Americans believe in. It is not the America that a dirt poor Irishman named Dennis DeWine saw—saw in his dream as he left County Galway 150 years ago to escape the potato famine in Ireland. We do not know a lot about my great-great-grandfather. All we know for sure is that he came over to America from Galway. It is pretty clear, though, that Dennis DeWine came here with guts and with ambition, but probably with very little else. He took a chance on America, and America took a chance on him because America back then thought big thoughts about itself and what great riches lay in the ambition—in the ambition of people who are willing to take risks. That is the kind of America we need to be, not a closed America that views itself as a finished product but an America that is open to new people, new ideas, and open to the future.

Mr. President, I began this speech by talking about how Ronald Reagan expressed better than any other political figure of our era the truest sense of what America stands for. I think it would be appropriate for me to conclude these remarks about America's immigration policy and about America's identity with another great story, one that President Reagan recounted more than once in his Presidency. In fact, he found it so moving that he even included it in his farewell address 9 days before he left the White House. Here is the way Ronald Reagan told the story.

> I have been reflecting on what the past 8 years have meant, and mean, and the image that comes to mind, like a refrain, is a nautical one—a small story about a big ship and a refugee and a sailor. It was back in the early 1980's at the height of the boat people, and a sailor was hard at work on the Carrier *Midway* which was then patrolling the South China Sea. The sailor, like most American servicemen, was young, smart, and fiercely observant. The crew spied on the horizon a leaky little boat, and crammed inside were refugees from Indochina hoping—hoping to get to America. The *Midway* sent a small launch out to bring them to the ship and to safety. And as the refugees made their way through the choppy seas, one of them spied the sailor on deck. He stood up and called out to him. He yelled, ''Hello, American sailor. Hello, freedom man''—a small moment with a big meaning, a moment a sailor could not get out of his mind. Neither could I, because that is what it is to be an American.

Mr. President, as we debate this bill, I think we will need to remind ourselves that that still is what it means to be an American. It always was, and let us pray that it always will be. Even at the very beginning of our history, back when we were a very small country, we were always a country with a very big meaning, a country whose future was unlimited, a country that believed in people and believed in their capacity to make the world a better place. What a legacy, what an awesome responsibility, a responsibility for our generation and for every generation.

I, along with some of my other colleagues, will be working to make sure that our immigration reform bill remains true to this legacy and true to the values that made America a beacon for all humanity.

Mr. President, I will conclude these remarks at this point, and again thank my colleague from Wyoming for his courtesy and for his work not only on this bill, but on this issue now for well over a decade.

Mr. SIMPSON. Mr. President, I thank the Senator from Ohio. He has been very involved, very articulate, and I appreciate the participation very much.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank the distinguished chairman of our committee, the Senator from Wyoming.

I say a word about immigration in that we opened up a school this morning for some 525 additional Immigration and Naturalization agents—the plan and plot as we work in the appropriations side of this particular problem. And I serve on the what we call the State, Justice, Commerce Subcommittee of Appropriations. For the past 25 years we have been trying to keep up with the problem as we have seen it. We work with the leadership of the Senator from Wyoming, the Senator from Massachusetts, Senator KENNEDY. And this morning, as I say, we opened up that school for some 525 agents at the old Navy yard facility in Charleston that we closed a couple of years ago.

A word should be said about our distinguished Commissioner of Immigration and Naturalization, Doris Meissner. She could not be with us, of course, because of the loss of her husband in that fatal crash going into Dubrovnik last week. Chuck Meissner, the Assistant Secretary of Commerce in charge of International Trade, was on that plane, that tragic loss. I talked to Commissioner Meissner and said that I know we have the scheduled opening of the school, but we ought to call that off. She said, ''No, it is really an emergency situation. While I cannot be there, I will be represented by Ms. Sale, Chris Sale, the Deputy Commissioner, and the other authorities, and we are ready to go, and we want to make sure that we have at least these agents trained and ready to go to work by August.'' Chris Sale was there, and we opened the school in the most adequate fashion.

The American public and the U.S. Senate should understand that this problem is much like trying to drink water out of a fire hydrant. Go down to San Ysidro, CA, down there by San Diego where 46 million automobiles and 9 million pedestrians were stuck

and inspected by the Immigration and Naturalization Service last year. We are totally understaffed for the problems of the illegal immigrants coming into the Nation and making their demands upon State and Federal spending.

So it is not a casual commendation that I give to the leadership of the Senator from Wyoming because I worked with him on the Simpson-Mazzoli bill years back. He has been in the trenches working for years trying to bring the National Government ahead and on to the problem, so that it would not increase into this emergency, more or less, at this particular time.

Having said that, Mr. President, let me say a word about an underlying amendment of Senator DORGAN from North Dakota, myself, and others relative to spending Social Security trust funds. I can go into detail which I will to make the record here, but let me bring it right up to the spending habits of the National Government with respect to trust fund amounts. When we passed in 1983 the increase in Social Security taxes, we could not have possibly voted that tax increase save and excepting to maintain the integrity of the Social Security trust fund. In fact, the intent was not only to maintain its integrity but to maintain a surplus. We talked openly, and you refer back to the record, of the Greenspan commission report, that if these increases in taxes were carried out, we would have a surplus that would easily take care of the baby boom generation into the year 2050.

But otherwise has occurred. What we have been doing, in a shameless fashion, is spending the Social Security trust moneys on the deficit. We have been obscuring the size of the deficit by the use of those trust funds. It was $63 billion last year, if I remember correctly. Last year the CBO report was a $481 billion surplus. So if you add the $63 billion I guess it would be in the terms of a $544 billion surplus, over one-half trillion surplus funds in the Social Security trust. But, ah, now we have today's, or last week I should say but it is dated April 15, Time magazine, and I wish to quote because here is what really happens to the so-called trust funds. It is on page 27 of April 15, 1996, Time magazine, entitled ''Odyssey of a Mad Genius.'' I refer to the article on page 27, ''Beltway Robbery.'' This has to do with highway trust funds, not Social Security, but the similarity is so stark in its reality that it must be brought to the attention of my fellow Senators here this afternoon. I quote:

In a Washington out to cut Federal spending, 12-term Congressman Bud Shuster is an unrepentant pork barrel spender. Now it appears the Chairman of the House Transportation and Infrastructure Committee has converts. More than half his colleagues including a heavy majority of those reform-minded GOP freshmen, are backing a bill that would lift constraints on highway and airport projects. If the trust and budgeting act is passed by the House next week, it would give Shuster's committee great latitude to tap some $33 billion in transportation trust funds. The measure has mobilized a formidable lobbying coalition, uniting organized labor and big and small business, State and local governments, and such an esoteric trade association as the Precast-Prestressed Concrete Institute. Their goal is not only to pass it but also a vetoproof 289 votes. Supporters argue rightly that the money would go where it was intended—building roads and upgrading the airports. But the supposedly untapped funds are actually an accounting figment. Using them would increase the deficit or force greater cuts in other programs. Budget Committee Chairman John Kasich and Appropriations Chairman Bob Livingston are vehemently opposed. Attempts by Newt Gingrich to reconcile them and Shuster have come to naught. Meanwhile, Federal Chairman Alan Greenspan broke with his custom of staying neutral to advise against passage.

Now, is that not a remarkable report? One line in there, and I quote it again:

But the supposedly untapped funds are actually an accounting figment.

This is exactly what Senator Heinz and I were fighting against when we had enacted section 13301 of the Budget Enforcement Act on November 5, 1990, signed into law by President George Bush, voted by a vote of 98 to 2 in this Senate. We did not want Social Security trust funds to become an ''accounting figment.'' That is what they do when they continue to use funds.

When we try to debate it in the Chamber, it does not matter; we have the money there, but it has to be used by the Government somewhere so we will just borrow the moneys there and everything else of that kind and tell the youth of America do not worry—well, do worry, it is going broke—when it is not going broke and when we got the moneys there and run around about going broke because in their mind it has become an accounting figment.

Now, let me mention a book by James Fowler. It is called ''Breaking The News.''

This is the problem in Government today. Years back, none other than Thomas Jefferson as between a free Government and a free press, he would choose the latter, and why? Because he said and reasoned that you could have a free Government but would not remain free long unless you had a free press to keep us politicians honest.

What has happened is that the free press no longer keeps the politicians honest. They in turn have joined into the dishonesty. Here it is. I read again. One sentence:

But the supposedly untapped funds are actually an accounting figment.

Thirty-three billion in the highway trust funds. The article quotes it. It is not an accounting figment. And instead of keeping the trust for highways, who comes out against spending highway moneys for highways? The chairman of the Budget Committee, the chairman of the Appropriations Committee, and of all people, the head of the Federal Reserve because he is part and parcel of the conspiracy for a so-called unified budget.

Now, let's go to unified. Wall Street and Alan Greenspan love unified budgets so long as the Government is not coming in to the bond market with its sharp elbows borrowing. Then they can make more money on stock sales. Bond sales, their interest rates stay down so borrow from yourself.

Well, that is pretty good for the irresponsible business leadership but for the public servant down here in Washington that has to do his job, he is going to meet himself coming around the corner and today we have met ourselves coming around the corner.

But the supposedly untapped funds are actually an accounting figment.

That is the charade and fraud that has been going on. I more or less dedicated myself to paying the bill. Earlier today when we were opening up this school, I said when we handled this Justice Department budget back in 1987, 1988, it was only about $4.2 billion. Now, this year, it is $16.7 billion. It has gone up, up and away, and we do not pay for it.

I cited an editorial in my own hometown newspaper about April 15, here we were, the day to pay taxes, and up, up and away was the national debt to $5 trillion. And they said: You know the reason for this was entitlement funds. They said that it was the military retirement, the Social Security, the Medicare.

Wait a minute, Mr. President. Let us go to these so-called entitlement funds. As I mentioned a moment ago, Social Security is over one-half trillion dollars in the black. Medicare, everybody agrees, is in the black. They are talking about going broke in 7 years, but many adjustments can be made and should be made and will be made. We will keep Medicare solvent. We do not have to cut it to get a tax cut to buy the vote for November. I have opposed that.

Similarly, with the military and civil service retirement fund, it is in the black. It is not these entitlements, it is paying for the immigration border patrol, the immigration inspectors, all the other things; the Justice Department, FBI, for the defense, for all these things for 15 years. We have not been paying for general government. Oh, this cry over entitlements started in the Appropriations Committee when my friend Dick Darman came in there, talking about ''entitlements, entitlements, entitlements.'' And you have that same Concord Coalition, ''entitlements, entitlements, entitlements,'' and my friend Pete Peterson up there in New York, ''entitlements, entitlements, entitlements.''

Let us talk about general government. I was a member of the Grace Commission against waste, fraud, and abuse. And we have constituted the biggest waste, the biggest fraud, the biggest abuse in the last 15 years by spending $250 billion more each and every year, on an average, without paying for it. That is why the debt has

gone to $5 trillion. That is why the interest cost has gone to over $350 billion. We will get a CBO estimate here on Wednesday. Today is Monday. But let me tell you what the estimate was earlier in the year. I will ask unanimous consent later that this be printed in the RECORD. The estimated 1996 interest cost on the national debt, gross interest paid is $350 billion.

Interest has gone up since then, so it is going to be over $1 billion a day. When President Reagan took over, the gross interest cost was exactly $74.8 billion. Get into a little arithmetic. Subtract 75, in round figures, $75 billion from $350 billion and you get $275 billion. Mr. President, 275 billion extra dollars spending for nothing, for nothing.

I remember President Reagan. I will show the talks, if you want me to put it in the RECORD. He was going to balance the budget in 1 year. Then he came to town and said, ''Oops, 3 years.'' Then we had the Gramm–Rudman-Hollings Act, 5 years. Now they have proposed 7 years. If they get past the November election, the next crowd will say 10 years. As long as they can continue the charade, as long as the press fails to keep us honest and fails to engage the public in the truth, it continues the charade, calling it truth in budgeting.

Mr. President, the actual cost of domestic discretionary spending at this minute is $267 billion. But the increase in spending for interest on the debt has been $275 since President Reagan took office. Point: We have doubled domestic discretionary spending without getting a double Government. We could have two Presidents, two Senates, two Houses of Representatives, two Departments of Justice, Agriculture, Commerce, Interior. Domestic discretionary—we could have two for the money we are spending. But we are not getting it.

Talk about increased spending? ''I am against increased spending.'' They are all running around in this Congress saying, ''I am against increased spending.'' Well they have increased spending $1 billion today, on account of this fraud, this charade. Or, like taxes, for April 15 they have sent their minions all around the land, talking about tax day, ''Let us have a special bill over in the House.'' It is all theater. And we will have that, ''You have to have a two-thirds vote in order to increase taxes.'' Increase taxes? You cannot avoid death. You cannot avoid taxes. And you cannot avoid interest costs on the national debt. Interest is like taxes. You have already increased taxes today of $1 billion and you will increase taxes tomorrow, and on Saturday, and on Sunday and on Christmas Day, every day this year—not on increased program spending, but on interest on the debt. The crowd that says they are against increasing taxes is increasing taxes and not wanting to do a thing about this central problem.

I tried and I am going to continue. They are not going to get rid of me. I came here with a AAA credit rating for my State. I increased taxes to get it. I knew as a young Governor I could not go to those industry leaders in New York and ask them to come down and invest in Podunk. I had to have a solvent operation. So we did balance the budget and we put in a little device, which later, in the Federal Government, was called Gramm-Rudman-Hollings. It was cuts across the board.

I went to the distinguished Senator from Texas. I said, ''This device that you have that cuts Social Security, it will not get to first base.'' I said, ''Speaker O'Neill and Congressman Claude Pepper will run us off the Capitol steps. We have not got a chance. Forget it. Let us talk sense.'' I helped write Gramm-Rudman-Hollings sensibly, and we enacted automatic cuts across the board.

Then, when, as they say, the rubber hit the road in 1990, we abolished the cuts across the board. On October 19, at 12:41 a.m., I raised the point of order, and my distinguished colleague from Texas voted to abolish the cuts across the board of Gramm-Rudman-Hollings.

Do you know what they did? They went for spending caps. Well, this place has a ceiling, but the spending caps have not. Spending has gone up, up and away and that is why poor President Bush lost his reelection. There is no kidding around.

I mean, we were up to $400 billion deficits at that particular time. The exact figure, according to the schedule here of the real deficit was $403.6 billion. So they said we will try this little Governor from Arkansas. He has balanced the budget for 10 years. Give him a try.

I voted for a balanced budget under Lyndon Johnson. Under Lyndon Baines Johnson, the interest costs on the national debt in his last year, when we voted that balanced budget, was $16.6 billion. Now it is over $350 billion, over $1 billion a day. That is the biggest waste consciously caused by us.

I have been a party to it. Yes, I tried to enact a freeze. Then I tried Gramm-Rudman-Hollings. Then, even in the Budget Committee I had a value-added tax. It was bipartisan. I had the distinguished Senator from Missouri join me. The distinguished Senator from Minnesota joined. We had eight votes for a value-added tax of 5 percent allocated to ridding us of the deficit and debt so we would not have this increased spending on automatic pilot.

But, somehow, somewhere along the line, we have gotten into a contract of nothing but procedural nonsense. We have gotten into term limits, when the Constitution already says I have to run for every 6 years. Incidentally, I have been elected to the U.S. Senate six times.

We have procedural talk about unfunded mandates, line-item vetoes, anything except enacting a balanced budget. We are not providing; the size of the Federal work force is smaller now than it was 10 years ago. We are spending more and getting less. No wonder the body politic is disillusioned with their Government in Washington. Somehow, both Republican and Democrat, keep on spending more and more while we get less and less. And they all give us this same pollster pap of, ''I am against taxes and for the family. I am against crime and for jobs.'' You know, get the hot button items and try to fool the people. And that is why the distinguished Senator from North Dakota has offered this amendment, which states:

> It is the sense of the Senate that because section 13301 of the Budget Enforcement Act prohibits the use of the Social Security trust fund surplus to offset the budget deficit, any proposal for a constitutional amendment to balance the budget should contain a provision creating a firewall between the receipts and outlays of the Social Security trust funds and the rest of the federal budget, and that the constitutional amendment should explicitly forbid using Social Security trust funds to balance the federal budget.

Mr. President, if acted on that idea, we would have passed the balanced budget amendment to the Constitution by at least 5 votes in March of last year—March of last year.

Again, about 6 weeks ago, I tried to bring it up, and they raised a technicality that it was not relevant. Five Senators wrote a letter to Majority Leader DOLE. We went on record in favor of the balanced budget amendment to the Constitution as long as it did not repeal section 13301. But they want that unified budget. Keep spending the billions and billions and billions from the Social Security trust fund and then come around at the end of the day when my children and the distinguished Presiding Officer's children and grandchildren come for their particular retirement, and they are going to say the untapped funds are actually an accounting figment.

Who in the year 2002 is going to raise a trillion dollars in taxes to make good on the IOU's in the Social Security draw? Nobody, nobody, and they do not have any idea of doing it. But ''I'm against taxes,'' they say. Oh, it is a wonderful luxury to run around and fool the American people, and who allows it? The American free press. Read ''Breaking the News'' by James Fallows, an authoritative writer. He has been up here. He has watched the operation. I can tell you, time and time again, it has been a very, very difficult fight.

Let me give credit to the late Senator from Pennsylvania, John Heinz. John Heinz and I worked on taking the Social Security trust fund off budget. It was bipartisan. It was called the Heinz-Hollings amendment—we wanted him to lead it at the time because the Republicans were in control—and we called it the Heinz-Hollings-Moynihan amendment.

Our distinguished Senator MOYNIHAN had been the ranking member on the Finance Committee and, admittedly, is still the authority on Social Security in this body.

But on October 18, 1990, Senator John Heinz said:

Mr. President, in all the great jambalaya of frauds surrounding the budget, surely the most reprehensible is the systematic and total ransacking of the Social Security trust fund in order to mask the true size of the deficit.

Another quote on October 18, 1990 by Senator John Heinz:

Since 1983, when we may have saved the Social Security goose, we have systematically proceeded to melt down and pawn the golden egg. It does not take a financial wizard to tell us that spending these reserves on today's bills does not bode well for tomorrow's retirees.

I make these quotes to the body this afternoon for the simple reason that it is bipartisan, and I am appealing to the Senators on the other side of the aisle, the Republican colleagues, because I know the chairman of our Budget Committee, the distinguished Senator from New Mexico, does not believe in busting the budget. He got caught off base last November when he held up the good housekeeping award and said, ''Here's a balanced budget certified by the Director of the CBO.''

Then 2 days later, ''CBO said, as you were, ''we have a deficit of $105 billion.'' It was not balanced at all. Let us not go through that charade again. We can pass a balanced budget amendment to the Constitution.

Senator DOLE is put under tremendous pressures with the goofy right that he has to respond to in order to get the nomination. But now that he has it, he should revert to the old DOLE, as he was as chairman of the Finance Committee when he joined in the sentiment of George Bush who called Reaganomics voodoo, and former Republican majority leader, Senator Baker, who said it was a riverboat gamble.

I know Senator DOLE. I have tremendous respect for him, and I know he is solid on paying bills. But he has a crowd that runs rampant saying, ''We don't want to pay the bill.''

Remember what happened to Fritz Mondale? He was honest enough to come out and say we are going to have to have an increase in taxes in order to pay the bills, but he did not add ''in order to pay the bills.'' He said, ''Yes, it looks like we are going to have to increase taxes.'' He had ahead of time said, ''By the way, I'm a Democrat in the image of Hubert Humphrey.'' When he said he was a Democrat in the image of my friend Senator Humphrey from Minnesota, everybody took it to mean we really were going to start some spending.

I understand the call that has been put out to call the Democrats tax-and-spend, tax-and-spend.

Let me enter something in the RECORD now for President Clinton. In all of these 15 years, the only time the deficit has been decreased is under President Clinton. He came to town and cut spending $500 billion. He came to town and with a $500 billion deficit reduction plan—equally split between spending cuts and taxes. I voted for it in order to try and get on top of these interest costs, this waste.

He came to town and cut $57 billion out of Medicare and had proposed another $124 billion. But there was no $250 billion for a tax cut. So he was acting responsibly until the Post and you folks just pulled him off base, and then he came for a tax cut, too, which nobody can afford.

That is one grand fraud on the American people. We do not have any taxes to cut. We have been cutting the spending. Eliminate the domestic discretionary spending. Eliminate welfare, eliminate foreign aid and the entire domestic discretionary spending and not cut it, and you still have a deficit. That is the serious problem.

The ox is in the ditch, and we have to sober up in this Government of ours and quit talking pollster politics games which the press joins in: who is up and who is down and who is silly enough.

I recommended a value-added tax in the Finance Committee. I want to pay for new immigration inspectors. I want to pay for 5,000 new border patrol. I want to pay for the extra FBI, the crime bill. I want to pay for the commitment in Bosnia. But this crowd comes up here and gets away with the worst I have ever seen.

I hope that we can salve the conscience, if there is one left amongst us, where we adopt the amendment of the distinguished Senator from North Dakota, the sense of the Senate that we not use Social Security trust funds to balance the Federal budget.

That was not the intent when we adopted those taxes, but you can see from the way they are treating highway trust funds—I would like to do it for the highway trust funds. I would like to do it for airport and airway trust funds. Out there in Colorado, we need some new airports, but we have not been spending the money on airports, we have been spending them instead on masking the size of the deficit, sacrificing future investment for present consumption.

I would like to spend these moneys for their intended purpose. I would like to pay the bill so that we will not saddle the next generation with our excesses. Where all they can do in Washington and is to pay for a little bit of defense, a little bit of domestic discretionary, cannot promote technology, cannot promote any competitiveness, cannot have any research and health care, and everything else that Government is supposed to do.

I believe in Government. I do not think Government is the problem. I think this charade is a problem. I think they know it is a problem. But they go along with this silly contract and its procedural nonsense, guaranteed every day to put on a show here. ''Here is April 15. Here is tax day. Let's remind them about a tax cut that they could have gotten.'' So they automatically call it a President Clinton tax cut that you did not get, and all those kinds of things, when they could not give it to save their souls.

They do not have taxes to cut. In fact, their solution is Reaganomics and growth—please do not come back here with that growth. Senator Mathias on the Republican side and I were 2 of 11 votes against Reaganomics and that mantra of growth, growth, growth. The only thing that has grown is the deficit and spending, spending on automatic pilot of $1 billion a day—$1 billion a day. And nobody wants to talk about it. They want to talk about tax cuts. It's like saying, ''I want to buy your vote.''

Campaign financing. The biggest fraudulent campaign financing occurs on the floor of the U.S. Congress, because we mislead the American people that their Government is being paid for. We act like all we need to do is cut back a little on welfare and on foreign aid eliminate the Commerce Department.

Yes. Since I have the time—I talked the week before last with former Secretary Ron Brown. He and I were trying to work votes, in all candor, over on the Republican side. We were having a difficult time. We did not know whether or not the administration was going to veto the bill, should it pass. I take it now that the distinguished President would not hesitate in vetoing it because the Commerce Department is not a grab bag.

I have been through over a dozen Secretaries of Commerce, and I am laying it on the line. Ron Brown was the one Secretary of Commerce that did the work. Maurice Stans up to Mosbacher, all they did was collect money.

But here was a fellow out hustling business rather than funds for the campaign, actually doing an outstanding job. When I heard of the recent tragedy, I had just with the distinguished Senator from Maine, Senator COHEN. We were in Beijing at the time of the plane crash. They did not ask about the President because he has never been to the largest and perhaps one of the most important countries in the entire world. In fact, the Secretary of State, he has been 34 times to the Mideast but only one visit to Beijing. They did not ask about the Secretary of State.

They asked about Ron Brown. He made a wonderful, favorable impression. I really believe, Mr. President, that we can really bring about more human rights through capitalism and market forces than we can through sanctions.

I have learned the hard way, as we did back in the old days at the beginning of the war and the artillery. There was a saying then that no matter how well the gun was aimed, if the recoil was going to kill the gun crew, you did not fire the gun. The recoil of sanctions has killed the gun crew. It is killing off our business.

Just recently, France picked up a $1.2 billion Airbus contract rather than the

United States of America. Well, we all believe that the Government should take a stand. But the way we have taken it is in a general loud-mouth fashion without any result. We should have targeted sanctions, clearly understood in the first instance. Let our businesspeople go and prosper and bring about more capitalism over communism. That is how we really defeated it in Eastern Europe and the Soviet Union, with capitalism itself.

What we are doing is taking the largest, most important nation in the Pacific—I can see that front cover of another magazine, ''Friend or Enemy?'' We are making them an enemy. There is not any question about it. They like America. They like our technology. They have 100,000 Chinese students. They know we stand for freedom and everything else.

I was on an aircraft carrier in the Gulf of Tonkin in 1966, the *Kitty Hawk*. We could not control 20 million North Vietnamese. I do not know how an aircraft carrier running around the Straits of Taiwan is going to control 1.2 billion Chinese. We need to sober up.

Government—the art of the possible, not responding to these pollster pap things. ''Are you against Red China?'' or ''Are you against communism?'' and all those things. You have to live in the real world. You have to get the best results you can. I am absolutely persuaded you are going to do it through capitalism and not through running around confronting on every turn and letting that other crowd pick up the marbles.

If you could do it unilaterally, fine business. But you cannot. So the French go in and the Germans go in or the Japanese, and they pick up our marbles and we are left behind.

If I put myself in control—if I had to control 1.2 billion, the one concern I guess I would have to have would be Taiwan. They are moving toward democracy. They have, after 48 years, a free election for a President for the first time. But having had it, the more they talk about democracy and independence, coming to Cornell and asking for diplomatic recognition. But we need to be honest, Mr. President, about what that means in China. Any strong movement toward democracy right is a sensitive subject because if the Taiwan get democracy, then some crowd down in Guangzhou, will want democracy and everything else. Give me one man one vote today in Beijing and I have chaos.

But the politician here in the National Government does not stop looking, listening, or thinking about it. I do not believe that the rulers in Beijing have any idea of continuing so-called Communistic government.

Some call it Market-Leninism rather than Marxist-Leninism. I do not know what it is, but I do know, having been there in 1976 and 1986 and now in 1996, that they have brought about 180 million into the middle class.

I would daresay, if I were Nick the Greek and had to bet, that I would bet that 10 to 20 years from now you are going to find more hungry fed in China than you are going to find in democratic India. I think that is a mistake in Russia, and that is why the President is going to be there the day after tomorrow.

Why? Because they gave political rights before they gave economic rights.

We in the U.S. Senate ought to stop looking and listening to those pollsters who have never served a day in government. They are wonderful. I have the best. I trust their polls and predictions, and they have been on target, but they still really do not know government. They never have thought about doing things in the long term. They are only thinking bam, bam towards the next election. I could fault us all. We are all looking to November. Nothing will happen in this body this year. Why? On account of November. Each day we are trying to find out who is on top in the 7 o'clock news.

Irrespective of who is on top, I ask unanimous consent to have printed in the RECORD these tables, since President Truman, 1945 to 1996, of the U.S. budget outlays in billions, the trust funds, the real deficit, the gross Federal deficit, and the gross interest.

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

President and year	U.S. budget (outlays in billions)	Trust funds	Real deficit	Gross Federal debt (billions)	Gross interest
Truman:					
1945	92.7	5.4	.....	260.1	(1)
1946	55.2	3.9	−10.9	271.0	(1)
1947	34.5	3.4	+13.9	257.1	(1)
1948	29.8	3.0	+5.1	252.0	(1)
1949	38.8	2.4	−0.6	252.6	(1)
1950	42.6	−0.1	−4.3	256.9	(1)
1951	45.5	3.7	+1.6	255.3	(1)
1952	67.7	3.5	−3.8	259.1	(1)
1953	76.1	3.4	−6.9	266.0	(1)
Eisenhower:					
1954	70.9	2.0	−4.8	270.8	(1)
1955	68.4	1.2	−3.6	274.4	(1)
1956	70.6	2.6	+1.7	272.7	(1)
1957	76.6	1.8	+0.4	272.3	(1)
1958	82.4	0.2	−7.4	279.7	(1)
1959	92.1	−1.6	−7.8	287.5	(1)
1960	92.2	−0.5	−3.0	290.5	(1)
1961	97.7	0.9	−2.1	292.6	(1)
Kennedy:					
1962	106.8	−0.3	−10.3	302.9	9.1
1963	111.3	1.9	−7.4	310.3	9.9
Johnson:					
1964	118.5	2.7	−5.8	316.1	10.7
1965	118.2	2.5	−6.2	322.3	11.3
1966	134.5	1.5	−6.2	328.5	12.0
1967	157.5	7.1	−11.9	340.4	13.4
1968	178.1	3.1	−28.3	368.7	14.6
1969	183.6	−0.3	+2.9	365.8	16.6
Nixon:					
1970	195.6	12.3	−15.1	380.9	19.3
1971	210.2	4.3	−27.3	408.2	21.0
1972	230.7	4.3	−27.7	435.9	21.8
1973	245.7	15.5	−30.4	466.3	24.2
1974	269.4	11.5	−17.6	483.9	29.3
Ford:					
1975	332.3	4.8	−58.0	541.9	32.7
1976	371.8	13.4	−87.1	629.0	37.1
Carter:					
1977	409.2	23.7	−77.4	706.4	41.9
1978	458.7	11.0	−70.2	776.6	48.7
1979	503.5	12.2	−52.9	829.5	59.9
1980	590.9	5.8	−79.6	909.1	74.8
Reagan:					
1981	678.2	6.7	−85.7	994.8	95.5
1982	745.8	14.5	−142.5	1,137.3	117.2
1983	808.4	26.6	−234.4	1,371.7	128.7
1984	851.8	7.6	−193.0	1,564.7	153.9
1985	946.4	40.6	−252.9	1,817.6	178.9
1986	990.3	81.8	−303.0	2,120.6	190.3
1987	1,003.9	75.7	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−255.2	2,601.3	214.1
Bush:					
1989	1,143.2	114.2	−266.7	2,868.0	240.9
1990	1,252.7	117.2	−338.6	3,206.6	264.7
1991	1,323.8	122.7	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−403.6	4,002.1	292.3
Clinton:					
1993	1,408.2	94.2	−349.3	4,351.4	292.5
1994	1,460.6	89.1	−292.3	4,643.7	296.3
1995	1,514.4	113.5	−277.3	4,921.0	332.4
Est. 1996	1,595.0	105.8	−277.8	5,198.8	350.0

[1] Budget tables: Senator Hollings.

Note: Historical Tables, Budget of the U.S. Government FY 1996; Beginning in 1962 CBO's 1995 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, I also ask unanimous consent to have printed in the RECORD Public Law 13301, status of the Social Security trust funds.

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

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.''.

SEC. 13302. PROTECTION OF OASDI TRUST FUNDS IN THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—It shall not be in order in the House of Representatives to consider any bill or joint resolution, as reported, or any amendment thereto or conference report thereon, if, upon enactment—

(1)(A) such legislation under consideration would provide for a net increase in OASDI benefits of at least 0.02 percent of the present value of future taxable payroll for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act, and (B) such legislation under consideration does not provide at least a net increase, for such 75-year period, in OASDI taxes of the amount by which the net increase in such benefits exceeds 0.02 percent of the present value of future taxable payroll for such 75-year period.

(2)(A) such legislation under consideration would provide for a net increase in OASDI benefits (for the 5-year estimating period for such legislation under consideration), (B) such net increase, * * *.

Mr. HOLLINGS. Mr. President, I also ask unanimous consent that the Hollings-Heinz amendment Social Security trust funds budget deficit vote of October 18, 1990, be printed in the RECORD.

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

SENATE VOTING RECORD—NO. 283

YEAS (98)

Democrats (55 or 100 percent): Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin,

Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, and Wirth.

Republicans (43 or 96 percent): Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey,

Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, and Wilson.

NAYS (2)

Republicans (2 or 4 percent): Armstrong and Wallop.

Mr. HOLLINGS. I will have other things to be printed in the RECORD tomorrow when we debate this. This is not a casual thing. This is not a political thing. I will vote for Senator DOLE's Senate Resolution No. 1, if he will not repeal, just do not repeal the present law.

At least we have it into law. But the media disregards the law. The media quotes a unified budget, but sometimes the media does show some sense—instead of unified, saying the money is all in the Federal Government, they say, and I finally close in the sentence here on April 15, 1996, Time magazine, ''But the supposedly untapped funds are actually an accounting figment.''

Tell that to the media. From now on, that is what they call it, an accounting figment. We ought to have truth in budgeting. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

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

TERM LIMITS

Mr. ASHCROFT. Mr. President, I rise today to speak about an important project. In the next couple of weeks, the Senate will vote for the very first time in history on a proposed constitutional amendment to limit the terms of individuals in the U.S. Congress. This is, indeed, historic. While people are familiar with term limits, because they have applied to the President since the 1950's, and while 40-some States have term limits as it relates to other public officials, the U.S. Congress has never been term limited.

It is an exciting opportunity to know that the Judiciary Committee of this Senate for the first time in history has sent to the floor of the Senate, with bipartisan support, a proposed amendment to the Constitution of the United States that would provide the States with the chance to add to the Constitution, limits on Members' terms in the U.S. House and Senate.

People might say, why is that important? I think it is important from a number of points of view. I think that the biggest perk of all in Government is the perk of incumbency. The No. 1 campaign reform ought to be to level the playing field every couple of terms for Members of the Senate and every several terms for Members of the House and let new people have an opportunity to bring their fresh approach and their recent experience into Government from the private sector.

Steven Moore of the CATO Institute eloquently phrased the results of his study. He indicated clearly that if we were to have had term limits we already would have passed a balanced budget amendment to the Constitution of the United States. It would have passed the House and Senate in the years 1990, 1992, and in the year 1994. We would have had at a much earlier date the therapeutic value of the line-item veto, major reforms that encounter the resistance of career congressional individuals who have been passed long ago.

It is interesting to note that this study also indicated that there are several things that did pass which would not have passed, had there been term limits. Moore, of the CATO Institute, indicates that the last two pay increases for Congress would not have passed had we had term limits, and the last two tax increases on the people of this great country would not have passed, had we had term limits.

It is time for this body, along with the House of Representatives, to vote to allow the American people, through their States, to embrace term limits for the Congress if they choose to. The U.S. Senate and the U.S. House cannot enact term limits. But we can offer the opportunity to the States through a proposed constitutional amendment. We should do that and do it now. It is a way of inviting the people into the process of Government. For too long the Congress has slammed shut the door of self-government in the face of the American people. It is time to welcome them back.

In conjunction with the vote later this month on term limits, I am pleased to announce an exciting experiment in online democracy. It is the first ever congressional online petition. This is a way for the people of the United States of America to register their views on term limits with the U.S. Senate, and to do so at a place through electronic mail. I refer Members to the chart entitled ''Term limits'' at ''jashcroft.senate.gov.'' which is the address for term limits on e-mail.

In addition to the e-mail address, you can also register your feelings on term limits by going to any number of home pages which will refer you to the term limits home page here in the Senate. For instance, the CNN home page, the C–SPAN home page, the America online home page, the netscape home page, the politics USA home page will all allow individuals to click to the term limits petition, where individuals can express themselves to the U.S. Congress.

This is an unusual petition made possible by the technology. I quote one of our first signers of the petition, Matthew Lovelace, who says, ''Your project puts power in the hands of the people, power that bureaucracy and big Government have taken away.'' He is one of about thousands upon thousands of individuals that have already signed the term limits petition that is online and available to people all across the United States of America. It is not a petition for registration. It will not cause any specific election to happen. It is a petition of communication to send a message from the American people to the Members of this Congress. It began last Wednesday and it is fully underway now.

The new technology has the potential to help us redefine the way citizens and communities participate in our democracy. Normally, a petition is an event that you sign and say, ''So long.'' You never see it again. You are not part of it in any sense, other than your name. The term limits petition, however, is one electronically that can allow you to see on a regular basis how many people have signed up, where Members of the Senate are in terms of the petition, and get views of public officials and others who have stated their views and written about term limits as a concept. Further, there can be updates through e-mail to individuals who request updates on the term limit petition.

The U.S. News reports that there are close to 300,000 Worldwide Web sites, and to have a term limits Worldwide Web site is just a way of providing the access to American people and people around the world to a concept whose time has come.

I do not think there is any better issue that could demonstrate the new technology than term limits. The new technology is designed to give people greater access and term limits will give people greater access to Government. If interactive technology at its core is about the increased deliberation, so, too, is term limitation.

Term limits also help to ensure accountability, and that new people and new ideas find their way into Government, and that we have competitive elections.

In 1994, 91 percent of all Congressmen who stood for reelection were returned to Washington. Term limits would eliminate the single biggest perk in the electoral system—the perk of incumbency. It is time that we simply say to individuals, yes, you are valuable, yes, you have served well, but there are thousands of people across America