the practice of ''deeming'' for victims of domestic abuse for the first 4 years, and beyond 4 years if there is an ongoing need for the benefits and that need has been caused by the domestic abuse.

These 4 years give the battered woman an opportunity to become self-sufficient. Often when a woman leaves an abusive relationship she is desperate and scared. She fears for her life because leaving can be the most dangerous time for her. She has probably lost all of her self-esteem and self-confidence because of the battering. The process of putting her life and the lives of her children back together can be slow.

As a community, we need to encourage women and children recovering from an abusive situation to become a strong, healthy, independent family. To set ''one size fits all'' provisions and arbitrary time limits for immigrant women is unfair, unreasonable and unconscionable. It shows no understanding of the trauma that a women go through.

Just think of Monica Seles, the tennis star who was stabbed while on the tennis court. It took her 2 years to return to tennis due to the post traumatic stress disorder caused by a single attack. Although this was indeed a terrible, terrible trauma, consider the effect of years of battering and abuse some women suffer in their own homes, and think what it must take to recover from that kind of abuse.

As we strive to reform our immigration policies in a thoughtful, and not punitive manner, we must be careful that proposed reforms don't eliminate protections that help women and children, particularly vulnerable women and children, escape dangerous, violent homes.

Mr. President, all of the amendments I have offered today relating to domestic violence have been offered for the purposes of keeping the landmark legislation, the Violence Against Women Act, the strong protection for abused women and their children that it was intended to be.

We have made a lot of progress in the past few years, but there is still a large gap in the public awareness and understanding of domestic violence. It takes community support and assistance for women and children to take the first step to become safe. My fellow Senators and I have a perfect opportunity to set an example to the community today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SIMPSON. Mr. President, I believe now we should go to the regular order, and we are prepared to do that.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dole (for Simpson) amendment No. 3743 to the bill S. 1664, the immigration bill:

Bob Dole, Alan Simpson, Dirk Kempthorne, Strom Thurmond, Dan Coats, James Inhofe, Jesse Helms, Richard Shelby, Trent Lott, Conrad Burns, Connie Mack, Hank Brown, Kay Bailey Hutchison, Paul Coverdell, Fred Thompson, and Rick Santorum.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3743 to S. 1664, the Illegal Immigration Reform Act, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. INHOFE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. SMITH], and the Senator from Tennessee [Mr. THOMPSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote ''yea.''

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] and the Senator from Connecticut [Mr. DODD] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote ''aye.''

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—91

Abraham	DeWine	Inouye
Akaka	Dole	Johnston
Ashcroft	Domenici	Kassebaum
Baucus	Dorgan	Kempthorne
Bennett	Exon	Kennedy
Biden	Faircloth	Kerrey
Bingaman	Feingold	Kerry
Bond	Feinstein	Kohl
Boxer	Ford	Kyl
Bradley	Frist	Lautenberg
Breaux	Glenn	Leahy
Brown	Gorton	Levin
Bryan	Graham	Lieberman
Bumpers	Gramm	Lott
Byrd	Grams	Lugar
Campbell	Grassley	Mack
Chafee	Gregg	McCain
Coats	Harkin	McConnell
Cochran	Hatch	Mikulski
Cohen	Hatfield	Moseley-Braun
Conrad	Heflin	Murray
Coverdell	Helms	Nickles
Craig	Hollings	Nunn
Daschle	Hutchison	Pell
Pressler	Sarbanes	Thomas
Pryor	Shelby	Thurmond
Reid	Simon	Warner
Robb	Simpson	Wellstone
Rockefeller	Snowe	Wyden
Roth	Specter	
Santorum	Stevens	

NOT VOTING—9

Burns	Inhofe	Murkowski
D'Amato	Jeffords	Smith
Dodd	Moynihan	Thompson

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 3744 AND MOTION TO RECOMMIT WITHDRAWN

Mr. SIMPSON. Mr. President, I withdraw the pending motion to recommit and amendment No. 3744.

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

The motion to recommit and the amendment (No. 3744) were withdrawn.

CLOTURE MOTION

Mr. SIMPSON. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on calendar No. 361, S. 1664, the illegal immigration bill:

Bob Dole, Alan Simpson, Craig Thomas, Hank Brown, R. F. Bennett, Dirk Kempthorne, Judd Gregg, Bob Smith, Trent Lott, Jon Kyl, Rod Grams, Fred Thompson, John Ashcroft, Bill Frist, Orrin Hatch, Chuck Grassley.

Mr. KENNEDY. Mr. President, the floor manager and I have visited about what we might expect through the evening and into tomorrow. It is our best judgment that we will have an amendment dealing with the Cuban-Asian adjustment that Senator GRAHAM will speak to this evening, and then we will have the final debate as the first order of business tomorrow. Then Senator GRAHAM has indicated that he would follow up with a presentation on one of his amendments dealing with the welfare provisions on the underlying legislation with the opportunity to have, again, briefer debate on that measure tomorrow.

Then it is our hope that we will be able to, as I understand it, go from side to side in terms of the amendments themselves. We will obviously do the best we can to accommodate different Members and their time schedule. That has been certainly the agreement.

We want to express our appreciation to Senator SIMPSON for that measure. We will move through the course of the day. I have spoken to a number of our colleagues to urge the early consideration of their amendments in a timely way in the midmorning and later morning so we can make some real progress on this bill.

We can see that there is no desire on our part to delay this legislation. It was a unanimous vote, virtually, on the cloture. As I mentioned earlier, what is underlying this whole effort is really the question about whether we will get a debate or discussion on the issue of minimum wage. I made that presentation earlier.

We can see from all of our sides we are prepared to move ahead. We are going to work with the manager of the bill and try and give as much notice to our colleagues as is possible in terms of the amendments that are coming up. We urge all of them to give the focus and attention to this subject now because there is a series of very important amendments that will be coming up through the day and tomorrow, and then it will be up to the leaders about how late we meet tomorrow evening and into Wednesday.

Mr. SIMPSON. Mr. President, as always, over the years, in dealing with this issue of illegal immigration and legal immigration, I appreciated the courtesies and attention of the Senator from Massachusetts.

That is evident again. He has a very serious issue he wants to bring before the U.S. Senate. We understand that. I understand that. I would be doing the same were I in his role. I do regret that the procedural aspects of the last few days made it appear that we were doing the business all over here, and that was unfortunate.

We moved some amendments without, perhaps, doing the usual procedure of back and forth and back and forth. So we will now go to Senator GRAHAM, and that is the Cuban Adjustment Act rather than the Cuban-Haitian. It is not a Cuban-Haitian issue. It is a Cuban Adjustment Act issue.

I will define it as an anachronism, and in other terms, a little later. And then he may, if he desires, go forward with a second amendment to reduce my level of guilt.

Mr. GRAHAM. Mr. President, I want to assure my good friend from Wyoming that reducing his level of guilt, or, frankly, any other emotion that he might feel, is not the purpose of this, but it is rather to discuss the current relevance, the relevance in the spring of 1996, of legislation that this Congress passed 30 years ago.

It was on November 2, 1966, that Public Law 89–732, the Cuban Adjustment Act, became the law of the land.

Mr. President, I want to read, briefly, from that law that was passed almost 30 years ago, because an understanding of what this law does—and, frankly, what it does not do—is crucial to understanding the proposal which I will submit to the Senate.

I will read portions of the Cuban Adjustment Act. It states:

> Notwithstanding any other provision of the Immigration and Nationality law, the status of any alien who is a native or citizen of Cuba, and who has been inspected and admitted, or paroled into the United States subsequent to January 1, 1959, and has been physically present in the United States for at least 1 year, may be adjusted by the Attorney General in his—

Now her—

> discretion, and under such regulations as he or she may prescribe to that of an alien lawfully admitted for permanent residence.

Mr. President, that is the essence of the Cuban Adjustment Act. It only relates to people who are lawfully in the United States. It does not apply to people who are here illegally. You first had to have been admitted into the United States, or paroled into the United States, in order to commence the process of 1 year of presence in the United States prior to being eligible to request this discretionary act of the Attorney General.

Mr. President, last week, I made some preliminary remarks on this legislation, and I stated that one of my concerns is that, although this bill has as its title that this is the ''illegal'' aliens bill, as distinct from a separate ''legal'' alien bill, that in fact the illegal aliens bill has spotted throughout it provisions that relate primarily—or as in this case, exclusively—to legal aliens.

So I ask my colleagues to now part the veil of legal and illegal, because we are now talking about people who are in this country legally, and whose status is about to be affected by a change in a bill whose title would lead one to believe that it only relates to those persons who are in the country illegally.

What would the provision in the illegal immigration bill, S. 1664, do to those persons who are in the country legally and under current law would have the prerogative of asking the Attorney General to exercise her discretion to adjust their status? This provision, which begins on page 177, would first repeal Public Law 89–732, the Cuban Adjustment Act.

Second, it states a savings provision, which states that ''The provisions of such act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban migration agreement of 1995.''

Let me make some comments on that provision. The savings provision states that it applies on a case-by-case basis. As I indicated, in current law it is also on a case-by-case basis.

Applications must be made on an individual basis for a person who is a native or a citizen of Cuba, who has been inspected, or admitted, or paroled into the United States subsequent to January 1, 1959, and has been physically present for 1 year.

If you meet all those requirements, then you may apply to the discretionary act of the Attorney General to adjust your status. This savings provision, however, would only apply with respect to individuals paroled into the United States. The current Cuban Adjustment Act refers to persons who are inspected and admitted, or paroled. So it would narrow the categories of persons who could come into the United States to those who are paroled.

What is the significance of that? As you know, there are a number of means by which a person can come into the United States. For those persons who have come from Cuba, they have primarily come in one of three categories: as parolees, as refugees, or as visa immigrants. This amendment, as written in current law, would restrict it to only one of those three categories—those who are parolees.

As an example, in 1995, under the United States-Cuban migration amendment—I might say, Mr. President, that was the agreement entered into in the spring of 1995 as a culmination of the series of events which began almost 9 months earlier with a mass migration of small boats from Cuba to the United States, which, in turn, led to the large number of persons who were detained at the United States Naval Station at Guantanamo Bay. Of those who came into the United States in 1995, 7,500 came in with the status of refugees. Of those, 7,500 would be excluded from the applicability of the Cuban Adjustment Act, under this provision, because it would only apply to parolees. Six-thousand came as visa immigrants. Those would be excluded from the application of the Cuban Adjustment Act. There were 14,000 who came as parolees through the migration agreement having applied to the United States-Cuban interest section in Havana. Another 10,000 came as parolees, as one of those persons who were being detained at Guantanamo. So, last year, there would have been 13,500 of those persons who came that would not have been eligible because they came in a status other than as a parolee, and 24,000 would have been eligible because they came as parolees.

The next major restriction is that you have to come in pursuant to the Cuban migration agreement of 1995. There are literally tens of thousands of persons who are otherwise eligible for adjustment of status under the Cuban Adjustment Act, who have come in by means other than the Cuban Migration Agreement of 1995. In fact, from 1990 to 1994, an average of almost 20,000 persons a year adjusted their status under the Cuban Adjustment Act. None of them came in under the Cuban Migration Act because the Migration Act did not go into effect until the spring of 1995.

Assumingly, although there are no precise records, there are still many thousands of persons who came prior to the spring of 1995, prior to the Cuban Migration Act, who are still eligible because they meet the other standards of having come here legally, having resided here for 1 year, and are now legally eligible to make a request to the Attorney General for a discretionary act of adjusting their status.

So one of the consequences of adopting the language which is in 1664 today is to exclude a substantial number of people from the benefits of this legislation, people who are just like persons

who for 30 years have utilized this legislation in order to adjust their status.

Second, this sends a signal that we believe, as the Senator from Wyoming alluded, that we think the situation in Cuba has changed so dramatically that now legislation passed 30 years ago is a dinosaur, is an anachronism, and no longer serves a legitimate purpose.

In fact, Mr. President, you can read as recently as this morning's Washington Post an article that states:

Cuba Slows Changes, Reemphasizes Ideology, Tighter U.S. Embargo Draws Vow From Castro ''to Resist Another 35 Years.''

Mr. President, I ask unanimous consent that the article from the Washington Post of April 29 be printed in the RECORD immediately after my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I cite this as the most recent evidence of the fact that we are not dealing with an anachronism. Fidel Castro is an anachronism. But the Cuban Adjustment Act, which was designed to respond to the human rights abuses, to the circumstances that forced thousands of native citizens of Cuba to flee that country, unfortunately, the Cuban Adjustment Act still serves its humanitarian purpose in 1996 as it did when it was adopted by the Congress in 1966.

Third, the adoption of the language in 1664 would have the practical effect of turning a substantial amount of the U.S. immigration policy, substantial amount of our responsibilities to make decisions as to what is in the best interests of the United States of America, over to Fidel Castro.

Why is that? All Fidel Castro would have to do, if this language in Senate bill 1664 were to be adopted, would be to abrogate the Cuban Adjustment Act, the Cuban Migration Agreement of 1995, and no person would henceforth be eligible to utilize the Cuban Adjustment Act as a means of changing their status and securing the benefits of permanent residence in the United States.

We would be telling Fidel Castro, ''If you wish to amend United States immigration law, all you have to do is abrogate the only window which is now available by which a Cuban citizen who has flown the tyranny of your government to secure the benefits that have been available for 30 years to tens of thousands people to adjust their status.'' I do not think this Congress wants to accede to Fidel Castro the ability to influence our policy.

Mr. President, I do not think the Cuban Adjustment Act needs to be a permanent part of American law. Frankly, I wish it had never been necessary. I wish once it was determined necessary and enacted, it would have been in a position to have been repealed as quickly as possible because its existence is testimony to Fidel Castro's continued existence and tyrannical rule over the citizens of the island of Cuba.

So, Mr. President, what I propose, joined by a number of our colleagues, including Senators DOLE, MACK, ABRAHAM, BRADLEY, and HELMS, is an alternative approach. Our amendment would say that the Cuban Adjustment Act shall be repealed, but it shall be repealed only upon a determination by the President under the Cuban Liberty and Democratic Solidarity Act of 1996—what is frequently referred to as the Helms–Burton legislation—only when a determination has been made by the President pursuant to the standards in that legislation that in fact a democratically elected government is now in power in Cuba. Once there is a democratic government in Cuba, then the need for the Cuban Adjustment Act will have been fulfilled, and there would be a celebration of repeal of the Cuban Adjustment Act.

So, Mr. President, I believe this amendment has been filed as No. 3760 with the provision that I have just stated.

Mr. President, I urge this Senate not to precipitously adopt the language that is in 1664, not to close the opportunity for thousands of Cubans, Cubans who arrived prior to the Cuban Migration Agreement of 1995, and those Cubans who arrived under it in a status other than parolees.

Let us not inadvertently send a signal to Fidel Castro that, in spite of the overwhelming evidence to the contrary, we have found some reason to believe there has been a transformation, a reformation, from the tyranny of 35 years into a government in which we are prepared to give some respect and dignity. The fact is no such transformation has occurred, and we do not wish to give such evidence that there has been. We certainly do not wish to turn over to Fidel Castro the ability to affect our immigration laws.

Mr. President, I urge the adoption of the amendment which is at the desk, and look forward to its consideration at the earliest opportunity tomorrow.

EXHIBIT 1

[From the Washington Post, Apr. 29, 1996]

CUBA SLOWS CHANGES, REEMPHASIZES IDEOLOGY—TIGHTER U.S. EMBARGO DRAWS VOW FROM CASTRO ''TO RESIST ANOTHER 35 YEARS''

(By Douglas Farah)

HAVANA.—Facing a freeze in Cuban-U.S. relations and slipping state control of the economy, Cuba's ruling Communist Party has slowed moves toward free-market economics, raised pressure on dissidents and reemphasized its orthodox Marxist rhetoric.

Around the country, old propaganda signs are being refreshed, new billboards denouncing the U.S. economic embargo are going up, and buildings housing the Committees for the Defense of the Revolution are being repaired. Reaffirming the Marxist, socialist nature of the Cuban revolution is again the focal point of speeches.

While changes permitting some private enterprise and foreign investment will not be rolled back, according to senior government officials and diplomats, the pace of future moves toward a market economy—especially those related to increasing self-employment—are likely to slow down or be put on hold.

President Fidel Castro, in a ceremony on April 16 marking 35th anniversary of his declaration of the revolution as socialist, said that Cuba has resisted pressure to change and that ''we're prepared to resist another 35 years, and 35 times 35 years.''

In part, the call to return to ideological purity reflects increased concern that a growing sector of the economy in moving out from under state control, according to diplomats and Cubans analysts. Another factor often cited is increased government optimism that this year's crucial sugar harvest is on target to reach 4.5 million tons, up from last year's disastrous 3.3 million tons, the lowest in 40 years.

If the harvest reaches that goal, the government will be able to pay off the $300 million in commercial loans it took out last year, at 18 percent interest, to rebuild the industry, which is vital to returning the economy to sustained growth. Official figures show the economy shrank by 36 percent from 1989 to 1992, following the collapse of the Soviet Bloc, which heavily subsidized Cuba.

Since 1993, Cuba has legalized use of dollars, authorized limited self-employment, allowed farmers to sell surplus produce on the open market and offered cash incentives to workers in key sectors of the economy to produce more. The result has been not only an upturn in the economy, but also the creation of a class with access to goods and services not available to those who work for the state at fixed wages in Cuban pesos, usually about $16 a month.

''We need time to assimilate and consolidate the steps we have already taken, especially in self-employment,'' Alfredo Gonzalez, senior adviser in the Ministry of Economics and Planning, said in an interview. ''The moves have had contradictory effects. When some people start to get rich, it has a social impact. University professors and social workers, who earn only in pesos, are starting to ask, 'When will it be my turn?'''

Some of the party faithful are not waiting. A professor of Marxism at the University of Havana can be found most nights harmonizing with a musical trio that strolls through a plush dollar restaurant, singing romantic ballads for tips. He said he made more in two nights there than at his academic job in a month.

University students, long praised as the vanguard of the revolution, are trying desperately to get into business administration and computer classes. According to academic sources, only seven students signed up last semester to study Marxism, once one of the most popular courses.

The opening salvo in the ideological rollback was fired by Raul Castro, brother of the president and head of the armed forces, in a March 23 speech to a meeting of the party's 212-member Central Committee. It was only the fifth full meeting of the committee since Fidel Castro took over in 1959, and the first since 1992.

Raul Castro called for renewed ideological vigor, especially in the watch committees. He sharply criticized some parts of the economic changes already implemented, including foreign influences spread through the growing tourism industry, and the relative wealth of some people who are now legally allowed to form their own small businesses.

''Fundamentally, it is understood that ideology is at the root of everything.'' Raul Castro said.

The meeting was held a month after Cuban-U.S. relations took their sharpest plunge in three decades, when Cuban air force shot down two small airplanes belonging to the Miami-based exile group Brothers to the Rescue. In response, President Clinton signed into law the Helms-Burton Act, which seeks to strengthen the 34-year-old U.S. economic embargo against Cuba.

Using the threat of covert U.S. operations, the Cuban government stepped up attacks on dissident groups, independent journalist and even reformist academic groups that were largely financed by the Communist-Party. Academic sources said that committees are reviewing the work of academic centers, their finances and their foreign contacts.

The tone was set by Raul Castro, who accused the United States of financing ''the proliferation and growth of small groups of traitors within the country.''

Ricardo Alarcon, president of the National Assembly, defended the crackdown on Communist Party-financed think tanks, which won international attention by pushing for faster, deeper economic change. ''The party has the right to question and analyze whether a center that depends on it for material and human resources is doing what it is supposed to do, and if not, to correct things,'' he said.

Rep. Robert Menendez (D-N.J.), representing the United States at the U.N. Human Rights Commission meeting in Geneva, accused Havana last week of carrying out ''the most repressive wave we have seen in the recent history of Cuba.'' On Tuesday, the commission passed a resolution condemning Cuba for not allowing freedom of assembly and expression.

Caught in the middle are the dissidents themselves.

Vladimiro Roca, a dissident whose father, Blas Roca, was a founder of the Cuban Communist Party, said he is awaiting a crackdown. ''Our meetings are being blocked, we can no longer get foreign newspapers, it is getting ever more hard,'' Roca said in an interview at his home. ''The shoot-down and the Helms-Burton act have made life more difficult.''

But just how tough mobilizing people has become was tacitly acknowledged by Raul Castro when he said people's ''number one daily concern is food.'' Still, he called for revitalizing the watch committees, powerful political structures set up in each block of every city and town to monitor ideology and instill revolutionary fervor.

Instead of going to meetings, people spend much of their time trying to put food on the table or seeking scarce transportation to work or markets. The committees gradually have lost influence, especially around Havana, and in some areas hold almost no meetings.

Officials and businesses people who travel here regularly said two reform programs already approved are still on track. One is to revive a commercial banking system abandoned in the 1960s, and the other is to break down large state companies into smaller, more efficient units.

Gonzalez and Alarcon said one of the pending changes most cherished by reformers and long rumored to be imminent—allowing the creation of small and mid-size companies under private overship—is being studied, but there are no plans to go ahead with it soon.

Mr. GRAHAM. Mr. President, under the rules under which we are currently operating, the amendment 3760 has been filed.

Would the appropriate motion be to call up the amendment at this time?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3760 TO AMENDMENT NO. 3743

(Purpose: To condition the repeal of the Cuban Adjustment Act on a democratically elected government in Cuba being in power)

Mr. GRAHAM. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. DOLE, Mr. MACK, and Mr. ABRAHAM, proposes an amendment numbered 3760 to amendment No. 3743.

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Notwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

Mr. GRAHAM. Thank you, Mr. President.

Mr. SIMPSON. Mr. President I thank the Senator from Florida.

This is an issue that continues, and I hope my colleagues can hear it and understand what it is that we have done here over the years.

This is the Cuban Adjustment Act. It has not anything to do with the Cuban-Haitian Adjustment Act. This is a measure that went on the books in the early 1960's when the freedom flotillas were bringing in hundreds of thousands of Cubans who were being given parole. People say, ''What is parole?'' It is a very distinctive remedy. It is just bringing them here, really outside the scope of immigration laws, in a sense. It is a temporary status, and the only way to change to permanent status is through adjustment. Hence, the Cuban Adjustment Act.

The Cuban Adjustment Act is a relic of the freedom flights of the 1960's and freedom flotillas in the late 1970's. The Senate repealed it first in 1982, if I recall, and then it went to the House, and it was left out of conference. The Senate has repealed it again—I do not recall that date—and it was replaced in conference.

At the time of the original Cuban Adjustment Act—it was a time of crisis, obviously a time of crisis has been continuing in that part of the world—Cubans were brought to the United States by the tens of thousands, even the hundreds of thousands. Most were given this parole status, which is this indefinite status which you cannot remain in, and it requires an ''adjustment'' in order to receive a permanent immigrant status in the United States.

So since we welcomed these Cubans, and we should have, and we intended that they remain here, the Cuban Adjustment Act provided—and here is the issue—that after 1 year in the United States of America all Cubans could claim a green card and become permanent residents here.

Since 1980, we have discouraged, thoroughly discouraged the illegal entry of Cubans, and there is no longer any need for the Cuban Adjustment Act. The provision in the bill which repeals the Cuban Adjustment Act exempts—and I hope all hear this—those Cubans who come under the current agreement between the Castro Government and the Clinton administration. Those 20,000 Cubans per year who are chosen by lottery and otherwise to come here, under that agreement they will be able to have their status adjusted under the committee bill provisions. There is no change in the status of those people. However, other than that one exception, there is simply no need for the Cuban Adjustment Act, and it should be repealed.

It is very clear. No other group or nationality in the world, regardless of what is going on in their country, no other group or nationality in the world, in the entire world is able to get a green card merely by coming to the United States legally or illegally and remaining here for a year.

That is what you have here. It is an extraordinary thing. Millions of persons who have a legal right to immigrate, to join family here, are waiting in the backlog sometimes for 15 or 20 years. It makes no sense to allow a Cuban to come here illegally on a raft or an inner tube or to fly in with a visitor's visa to see friends in Miami and then simply stay on a year, violating our laws in doing so, and then be rewarded with the most precious thing we can give, and that is the green card. It strains all reason.

You have a situation where a person comes on a tourist visa, goes immediately to the home of a relative in Florida, stays there, to be sure to pick up a receipt or show something they did with a date on it, a rent receipt or something, and in a year you go into the INS and you show anything you have to show that you have been here a year and you get a green card.

We do not do that with people fleeing the most oppressive realms on the Earth. We do not do it with anybody. It is a total anachronism. It does not fit. I know that we are all trying to whack Cuba and whack Castro. I am ready to do that day and night. I admire what Senator HELMS has been up to on that. There are others—Senator GRAHAM, Senator CONNIE MACK—I understand that, and I have joined that. But if we are going to have a law on the books which does not have anything to do with oppression, it has to do with the most remarkable lapse that we can ever imagine in our immigration law, the Cuban Adjustment Act I think should be repealed.

Even though this is a different and quite unique amendment than previously, it still is a situation where it is the only country on the face of the Earth where you come, stick around a year under any circumstances—even if you violated the law—and walk in and get a green card, whereas if anybody else did that, if they had their adjustment lapse, they would be pitched.

So that is where we are. It is an interesting vote again. We will make the decision and move on. It has been thoroughly debated in years past, and I admire my friend from Florida. You cannot represent Florida and not do this. Senator CONNIE MACK is the same. And I understand that. For anyone who would miss the significance, this is

very critically important for them to be doing, and they do it with great directness and authenticity, and I commend them.

Mr. President, since there seems to be a lack of spirited debate on this issue, I wonder if the Senator from Florida would wish to go forward with the second amendment and perhaps debate that and then when Senator KENNEDY returns, I believe he is supporting the Senator's position, is that not correct? Is Senator KENNEDY supporting the Senator's position on this?

I am trying to determine if we have proponents and opponents, but we need not do that. If the Senator is ready to go forward with the second amendment, I would ask that we simply set aside this amendment for the moment.

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

Mr. GRAHAM. Mr. President, I appreciate the cordiality of our colleague from Wyoming. I would move on to the second amendment, which is really one of what I anticipate will be a cluster of amendments. Again, it goes to an issue raised in the previous amendment, which is that while we are dealing with the bill S. 1664 that has as its title: ''To Increase Control Over Immigration in the United States by Increasing Border Patrol and Investigative Personnel,'' et cetera, a bill designed to restrain illegal immigration, in fact there are provisions which apply substantially or totally to persons who are in the country legally.

Many of those provisions also go to a second major concern for the structure of this legislation, and that is the degree to which it represents a significant unfunded mandate, a transfer of financial obligations from the Federal Government to State and local communities.

Mr. President, for many years, as you well know, I have been seriously concerned with the fact that while the Federal Government has the total responsibility for determining what our immigration policy will be and has the total responsibility for enforcing that immigration policy, where the policy is either misguided or where the policy is breached, it is the local communities and the States in which the aliens reside that most of the impact is felt. That impact is particularly felt in the area of the delivery of critical public services, from health care to education to financial assistance in time of need. It has been my feeling that fundamentally the Federal Government ought to be responsible for all dimensions of the immigration issue. It sets the rules. It enforces the rules. It should be responsible when the rules are not adequately enforced and there are impacts, especially financial impacts on individual communities.

Thus, I am concerned with this legislation, which instead of moving in the direction I think represents fair and balanced policy, goes in the opposite direction and is now going to have the Federal Government withdrawing from its level of financial responsibility for legal as well as illegal aliens, and will be, by its default, imposing that responsibility on the communities and States in which the aliens live.

Compounding that is the uncertainty of just which of these programs that are intended to provide some assistance to the alien will be affected by this shift of responsibility. As currently written, S. 1664 would require that the income of the sponsor, that is the person who is sponsoring the legal alien to come into the United States, would require that the sponsor's income be deemed to be the income of the alien for ''any program of assistance provided or funded in whole or in part by the Federal Government, by any State or local government entity for which eligibility for benefits is based on need.'' That is the standard by which there will be this transfer of responsibility, assumedly, from the Federal Government to the sponsor of the legal alien. But in reality, if that sponsor is not able to meet his obligations, it is going to be a transfer to the local community, private philanthropy, or government services, when the legal alien becomes old, unemployed, injured, or otherwise in need of services that he or she is unable to pay for.

The amendment which I am offering, which has been filed as No. 3803, and in which I am joined by Senator SPECTER, says if we are going to do this, if we are going to require this deeming, that at least we ought to know precisely what it is we are talking about because no one can say, reading the language that I just quoted from the legislation, what programs, Federal, State or local, would be impacted by these very broad and sweeping words.

What are some of the programs? I would like to ask the sponsors and supporters of the bill whether or not the following programs are intended to be impacted by S. 1664.

Minnesota has a program called ''MinnesotaCare,'' would that be affected? Rhode Island's ''Rite Care,'' would that be affected? Hawaii has a program called ''Healthy Start,'' would that be affected? My own State of Florida has a program called ''Healthy Kids,'' would that be affected? Texas's ''Crippled Children's'' program, Chapter I programs in the public schools, Maryland's ''Minds Across Maryland,'' Florida's ''Children's Emergency Services,'' Texas's ''Indigent Health Care,'' local government public defenders, immunization programs in public health clinics, services in our Nation's public hospitals, State and local public health services, programs to take children out of abusive environments, gang prevention programs, children's lunches and nutrition programs, special education programs—which of these are intended to be covered?

Whatever you think about the underlying policy, there can certainly be no virtue in ambiguity. At least the people at the State and community level, citizens and those charged with the responsibility for providing services alike, we owe to them the obligation of clarity of what it is we intend, in terms of those programs that will be affected by the sweeping language, ''any program of assistance provided or funded in whole or in part, for which eligibility for benefits is based on need'', shall require deeming.

For example, Virginia uses Community Development Block Grant money to fund community centers and extension services that provide lunch programs, after-school tutoring, English classes, and recreational sports programs to residents of the community. Will Virginia have to deem participants in everything from children's soccer leagues to mobile meals to English classes? Do we intend that? If we do, let us say so.

Program providers, State and local governments and others, including the public, need to know the answers to these questions and more. They deserve nothing less. Moreover, Members of Congress should know the impact of the legislation before we are asked to decide as to whether it is appropriate public policy, policy to be enacted into laws of the United States of America. The majority leader said on the Senate floor during the debate of the unfunded mandates legislation on January 4 of 1995:

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

The underlying bill, S. 1664, fails to meet these tests as established by the majority leader. Members of Congress have no idea what programs will be impacted by this legislation. Are 60 programs impacted? Are 88 programs? Are 417 programs? Are 3,812 programs? We have no idea and we will not, until regulations are implemented or the courts have decided what the meaning is of the phrase, programs by which ''eligibility for benefits is based on need.'' Why should we turn over such a decision to regulators and the courts? We should decide. We should partake in a little ''legislative truth-in-advertisin'' ourselves.

Moreover, Members of Congress have not made the tough choices needed to pay for it. In fact, the National Conference of State Legislators has prepared a study to determine the imposed impact these deeming requirements will have, that is the requirement that the sponsor be financially responsible for the sponsored alien who is applying for a needs-based program. The National Conference of State Legislators has prepared a study on just 10 of those programs which they believe will probably be impacted. The programs that the NCSL studied were school lunch, school breakfast, child and adult care food programs, vocational rehabilitation, title 20 social service block

grants, foster care, title IV–A child care, title IV–D child support, and Medicaid qualified Medicare beneficiaries.

The administrative costs alone of deeming these programs, of determining who is and who is not eligible, would exceed $700 million, according to the National Conference of State Legislators study. As a result, the National Conference of State Legislators, the National Association of Counties, and the National League of Cities have endorsed the amendment which is before the Senate this evening, to substitute a clear and concrete list of programs to be deemed. As they write, ''This amendment assures that Congress and not the courts will decide which programs are deemed.''

Let me repeat. This amendment assures that Congress, and not the courts, will decide which programs are deemed.

If the Senate chooses to impose new administrative requirements on State and local governments, we should do so, as the majority leader said, and ''be willing to make the tough choices needed to pay for it.''

For these reasons, we take a different approach by eliminating the vague language which is in S. 1664 and replacing that vague language with a list of 16 specific programs that would be required to be implemented under the new deeming provisions.

These programs are: Aid to Families with Dependent Children, Supplemental Security Income, food stamps, section 8 low-income housing assistance, low rent public housing, section 236 interest reduction payments, homeowner assisted payments under the National Housing Act, HUD low-income rent supplements, rural housing loans, rural rental housing loans, rural rental assistance, rural housing repair loans and grants, farm labor housing loans and grants, rural housing preservation grants, rural self-help technical assistance grants, and site loans.

Those would be the 16 programs that would be subjected to deeming.

Mr. President, I do not submit that these 16 programs came from a mountain and were inscribed on tablets. These are 16 programs which we and responsible organizations have identified as what they think would be appropriate to apply the deeming standard. If someone wishes to subtract or add to or modify this list, that would be the subject of a reasonable debate. But we would be in a position to be telling States and local communities and their citizens exactly what we mean. We would be deciding to which programs we would apply this requirement that the income of the sponsor be added to the income of the alien in determining eligibility. We would not be leaving that judgment up to bureaucrats through regulation or to the courts through laborious litigation.

I will be happy to work with the sponsors of this bill to work out an agreement with the State and local units impacted by deeming so what programs should be included will be understood and, hopefully, will be the result of a consensus judgment. However, I firmly agree with the majority leader that we should at least have a little ''legislative truth-in-advertising.''

In addition to the strong support of the National Conference of State Legislators, the National Association of Counties, and the National League of Cities, this amendment is also supported by the National Association of Public Hospitals, the American Association of Community Colleges, Catholic Charities, United States Catholic Conference, and the Council of Jewish Federation among others.

Mr. President, this is the first of what I anticipate will be a series of amendments that relate to the issue of the eligibility of legal aliens to receive a variety of benefits and the circumstances under which the Federal Government should restrict its, as well as other governments's ability to provide those need-based services for legal immigrants.

This is not a matter which should pass quietly and without considered judgment, particularly in a bill which advertises itself as dealing with illegal aliens. We are here talking, Mr. President, about the financial rights of access to public programs of people who are in the country legally, who have played by the rules that we have established, who are paying taxes, who are subject to virtually all the requirements that apply to citizens, except the right to vote and the right to serve on juries. Yet, we are about to say in a retroactive way, including to those persons already in the country today under the standards that were applicable when they entered, that they are going to have their rights severely restricted and without clarity as to what those restricted rights will be.

I think that is bad policy. I think it violates the principles of the unfunded mandate legislation, the first legislation to be passed by this Congress. I think it undercuts the essential thrust of the legislation that is intended to be dealing with the impact of illegal immigrants.

AMENDMENT NO. 3803 TO AMENDMENT NO. 3743

(Purpose: To clarify and enumerate specific public assistance programs with respect to which the deeming provisions apply)

Mr. GRAHAM. So, Mr. President, I call up amendment No. 3803.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. SPECTER, proposes an amendment numbered 3803 to amendment No. 3743.

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

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

The amendment is as follows:

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following: for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help technical assistance grants under the Housing Act of 1949;

(16) Site loans under the Housing Act of 1949; and

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOR.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

Mr. GRAHAM. Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I know there is an obligation for many of us at 6:45. I am going to be very brief, and I will cover this issue in more complete detail tomorrow so that we might meet those obligations.

This is a very fascinating amendment. It is, I gather, a list of only the issues or the programs that would be deemed to be income. I hope people can hear what we are trying to do here. There are two choices: Either the sponsor pays for a legal immigrant or the taxpayers do. That is about the simplest kind of discussion I can come to.

This issue of deeming is very simple. Deeming is this, and I hope we can try to keep toward this in the debate: The purpose of deeming is to make the sponsor of the immigrant responsible for the needs of the immigrant relative, that immigrant relative that the sponsor brought to this country.

Everything we have done here with regard to this immigration issue, including the new affidavit support requirements, says if you bring your relative to the United States, you are going to be sure that they do not become a public charge. That has been the law since 1884 in the United States of America.

The question is very simple. Either you deem the income of the sponsor, and every other thing that this person is going to get, or the taxpayer will pave to pick up the slack. That is where it is. Any other assistance will be required to be picked up by the citizens of the United States.

If you are going to be specific, as in this amendment—and remember that we are told that this is for clarity—these are the issues, these are the programs that are deemed to be judged as support. We have not even talked about Medicaid, PELL grants, State general assistance, legal services, low-income heating, as if they were not there.

This is one that needs the clear light of morning, the brilliant sun coming over the eastern hills so we can pierce this veil, because this is a concept that will assure that someone who sponsors a legal immigrant will be off the hook and that an agency will provide services and not be able to go back against the sponsor.

Ladies and gentlemen, the whole purpose of this exercise is to say, ''If you bring in a legal immigrant, you give an affidavit of support, you pledge that your assets are considered to be the assets of that person. And that will be so for 5 years or until naturalization. And if you do not choose to do that, then know that the sponsor is off the hook and the taxpayers are on the hook.'' I do not think that is what the public charge provision of the law ever would have provided.

With that, Mr. President, unless the Senator from Florida has something further, I will go to wrap up, if I may. I thank the Senator from Florida for his courtesy.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

SISTER LUCILLE BONVOULOIR

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to a woman who has dedicated her life to battling homelessness in Vermont. Sister Lucille Bonvouloir is the unofficial Patron Saint for the homeless in Burlington, the State's largest city and only Enterprise Community. The Committee on Temporary Shelter [COTS], an organization that she has directed since 1988, provides a range of social services as well as basic shelter to help people who have hit bottom get back on their feet again. As the problem of homelessness in Burlington has grown, so has COTS under Sister Lucille's innovative and capable direction.

In July, Sister Lucille will be taking on new responsibilities as the vice president of the Vermont Regional Sisters of Mercy. While she will be sorely missed and the shoes she leaves behind at COTS are large indeed, the homeless and the needy of Burlington have nothing to fear from the transition. They know as I do that their guardian angel will continue to watch over them and stand up for their needs as she has for so many years. I join them in wishing her the best in her new career.

I ask unanimous consent that an article from the February 7, 1996 Burlington Free Press on Sister Lucille Bonvouloir's life of service to Burlington be printed in the RECORD.

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

SISTER BONVOULOIR TO WORK WITH SISTERS OF MERCY

(By Mike Donoghue)

A Burlington nun known as a fighter for providing shelter and vocational training for homeless people said Tuesday that she would step down in June as head of the largest program for the Vermont homeless.

Sister Lucille Bonvouloir will leave her post as executive director of the Committee on Temporary Shelter to become vice president of the Vermont Regional Sisters of Mercy on July 1.

Sister Bonvouloir and the agency, better known as COTS, provided services to 1,100 individuals through seven programs operated in Burlington last year.

The Orwell native said she expects to face new battles when she becomes part of the team managing the affairs of the 93 Sisters of Mercy serving Vermont. Among the expected scuffles will be a proposed 93-unit affordable housing development the sisters hope to build on the north side of Mount St. Mary's Convent on Mansfield Avenue.

The project will be ideal for single mothers who are returning to school at nearby Trinity College, she said. It is opposed by residents who say it is too large for the neighborhood.

Sister Bonvouloir, 53, has worked for the committee since 1986 and has been its director since June 1988. She helped expand the programs to meet the needs in the community for family shelters and vocational training.

When the number of homeless families increased, the COTS Family Shelter opened on North Champlain Street in 1988. When there was chronic shortage of affordable housing, COTS developed St. John's Hall on Elmwood Avenue.

During 1993–94, Sister Lucille improved access to vocational programs and created a voice mail system in Burlington to increase employment prospects for those without phones. Last year, 70 percent of the participants in the vocational program were placed in full-time jobs.

UNITED STATES-JAPAN AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss the most recent in what seems to be a never ending list of crises we have had in the past year with the Government of Japan regarding international aviation relations.

The root of the current problem, and a number of those which have preceded it, is the Government of Japan's continued refusal to fully comply with the United States-Japan bilateral aviation agreement. The Government of Japan incorrectly believes selective compliance with our bilateral aviation agreement is acceptable. The Japanese are badly mistaken. Nothing short of full compliance with the United States-Japan bilateral aviation agreement is acceptable.

Let me explain. The United States-Japan bilateral aviation agreement guarantees three United States-carriers—United Airlines, Northwest Airlines, and Federal Express—''beyond rights'' which authorize them to fly to Japan, take on additional passengers and cargo, and then fly to another country. That agreement requires the Government of Japan to authorize new beyond routes no more than 45 days after one of these three carriers files notice of an intention to initiate new beyond service. If this sounds like a relatively straightforward procedure, it is.

Regrettably, the Government of Japan has made the procedure of initiating new beyond service anything but straightforward and predictable. Instead, contrary to the United States-Japan bilateral aviation agreement, they have turned a ''notice and fly'' provision into an approval process where the litmus test seems to be whether competition from a new route operated by a United States carrier threatens less competitive incumbent Japanese carriers. In fact, the overriding goal seems to be nothing less than imposing a de facto freeze on new air service by United States carriers beyond Japan. This violates the letter as well as the spirit of the United States-Japan bilateral aviation agreement and is intolerable.