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

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

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

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

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

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

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

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

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

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

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

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

LEADERS PROMOTE DEMOCRACY IN VIETNAM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE VERY BAD DEBT BOXSCORE

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

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

CONCLUSION OF MORNING BUSINESS

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

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

The legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. That amendment was set aside.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3871 TO AMENDMENT NO. 3743

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

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

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

The PRESIDING OFFICER. Is there objection?

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

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

The clerk will report the amendment.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

Mr. SIMPSON. I urge adoption of the amendment.

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

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

Mr. SIMPSON. I thank the Chair.

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

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

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. KENNEDY. I yield myself 2 more minutes.

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

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

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

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

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

Mr. KENNEDY. We are debating both.

Mr. SIMPSON. Either one.

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

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

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

AMENDMENT NO. 3760

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. There remains approximately 27 hours.

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

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

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

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

The PRESIDING OFFICER. That is correct.

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

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

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

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

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

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

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

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

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

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

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

The PRESIDING OFFICER. They have not.

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

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

The yeas and nays were ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

So would the Senator withhold that?

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

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

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SIMPSON. Yes. I certainly will.

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

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

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

Mr. KENNEDY. I thank the chairman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

at delivery and throughout the lives of the children.

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

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

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

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

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

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

Mr. President, will the clerk report.

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

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

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

AMENDMENTS NOS. 3820 AND 3823

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

The clerk will report those amendments.

The bill clerk read as follows:

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

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

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

The amendments are as follows:

AMENDMENT NO. 3820

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

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

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

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

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

(C) Benefits under the National School Lunch Act.

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

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

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

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

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

(I) Benefits under the Head Start Act.

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

AMENDMENT NO. 3823

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

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

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

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

AMENDMENT NO. 3822 TO AMENDMENT NO. 3743

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

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

The bill clerk read as follows:

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

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

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

The amendment is as follows:

On page 201 after line 4, insert the following:

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

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

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

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

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

AMENDMENT NO. 3760

Mr. GRAHAM addressed the Chair.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SIMPSON addressed the Chair.

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

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

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

The PRESIDING OFFICER. The Senator has 31 minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SIMPSON. The Senator's own time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

Mr. DOMENICI. I thank the Senator.

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

I thank the Senator for his comments.

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

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

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

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

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

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

MAKING CORRECTIONS TO PUBLIC LAW 104–134

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

INTERNATIONAL VOLUNTARY FAMILY PLANNING

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

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

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

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

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

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

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

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