

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

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

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

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

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

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

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

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

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

fair to fine the employers who are trying in good faith to follow the law.

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

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

RECESS

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

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized.

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

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

Mrs. HUTCHISON. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

I think Senator ABRAHAM on our side has an amendment, and we will ask

him to come to the floor and present that amendment. Maybe Senator SIMON on the other side will have an amendment.

REPEAL OF THE GAS TAX

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

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

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

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

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

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

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

THE GAS TAX

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3809 TO AMENDMENT NO. 3743

(Purpose: To adjust the definition of public charge)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

“(v) Any State general cash assistance program.

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

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

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

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

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

Mr. President, if no one else seeks the floor, I ask to set aside my amend-

ment so that I may offer a second amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3810 TO AMENDMENT NO. 3743

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

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

Mr. SIMON. I thank the Senator from Mississippi.

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

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

The requirements of subsection (a)—

That is deportation.—

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