

CONCLUSION OF MORNING
BUSINESS

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

IMMIGRATION CONTROL AND FI-
NANCIAL RESPONSIBILITY ACT
OF 1996

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

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

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

Simpson amendment No. 3854 (to amendment No. 3743), to define "regional project" to mean a project conducted in an area which includes more than a single locality but which is smaller than an entire State.

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

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

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

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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

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

REPEAL THE GAS TAX AND
INCREASE THE MINIMUM WAGE

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

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

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

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

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

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

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

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

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

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

long way to work, to the grocery store, or to the hospital.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

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

There are a limited number of amendments out there. The particular Senators know the amendments have been listed. We are prepared to move ahead and dispose of these amendments. It is better for us to have the debate at the present time. So we ask, just out of consideration for the other Members of the Senate, that those Members come over so we can dispose of those amendments and we can accommodate our other friends and colleagues here. We will go into a quorum call, but we hope those Senators will come to the floor and address those amendments. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SIMPSON. Mr. President, I am going to proceed with a discussion of an amendment which I believe I will send to the desk because Senator GRAHAM and Senator CHAFEE apparently will not be here until approximately 11 o'clock. So we will proceed with the amendment. I will send it to the desk in a moment and proceed with the debate on the amendment.

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

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

The three parts are: The first part would require that at a minimum three particular pilot projects be conducted;

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

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

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

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

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

The third type involving confirmation of the immigration status of aliens but only an attestation by persons claiming to be citizens. That would also have a major advantage, in our mind. Employers would not have to verify employees. They would have nothing to do in that situation. Of course, in that situation, the obvious weakness in such a system is the potential for false claims of citizenship. That is why I did offer a separate amendment which was accepted, I think, in the manager's amendments, creating a new disincentive for falsely claiming U.S. citizenship, which will be a new ground of exclusion and of depor-

tation. I think that will be very effective in reducing that obvious weakness. Because of the potential advantages of these three approaches to verification, I believe that the Attorney General should be required to conduct pilot projects on those.

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

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

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

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

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