

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

a second vote would take place with regard to which of the pilot projects would eventually come into the statutes of the United States.

That is the essence of the amendment. I look forward to the discussion of it.

AMENDMENTS NOS. 3853 AND 3843, EN BLOC

Mr. SIMPSON. Mr. President, I now send to the desk the amendment I have described. By previous unanimous consent, amendments 3753 and 3754 were combined to be considered as a single amendment.

The PRESIDING OFFICER. The amendments en bloc are before the Senate.

Mr. SIMPSON. Mr. President, I have no further comments with regard to the amendment, but I emphasize to our colleagues that we are going to proceed and try to accommodate each and every one of the Members who are involved in the amending process. We are certainly not going to cut off debate, but let all be aware we are going to finish this bill today in the morning hour or the darkening color of evening.

I must relate to the occupant of the chair that the Senator from Massachusetts handed me a tattered document from some calendar of some kind that says, "What State is home to more pronghorn antelope than people?" I believe the occupant of the chair and I know the answer. It is our native State of Wyoming.

But we also have a story we tell of the old cowboy out fixing his fence and doing a nice job. A tourist lady came by—I think Massachusetts plates—and she said, "I understand you have more cows than people out there. Why is that?" He looked at her with steady gaze, hooked his thumb in his belt, and he said, "We prefer 'em."

Mr. KENNEDY. On that note, Mr. President, let me just say a very brief word about the modification of the verification proposal.

The development of studies that would help and guide policy has been controversial over some period of time. The Senate now is on record in support of those pilot programs. I strongly support them. We will have maximum flexibility to see at the time when the report comes back to the Congress, what has been recommended or suggested along the guidelines that have been included in the bill and which I referenced yesterday.

This amendment effectively ensures mandates that those programs are actually going to go ahead. It was always our assumption they would go ahead. I believe this Justice Department is well on the road toward assuring they would go ahead. A number of us have been briefed on what progress has been made, and has been impressive in terms of the design of these programs. I think they offer some very, very important, hopeful indications that many of the abuses we have seen currently would be addressed with either these types of programs or those that are closely related to those programs.

Effectively, what this amendment does, as the Senator has pointed out, it defines the term "region" as an area within a State. This proposal limits the verification to local and regional pilots only. There was some question about what the region might be. We know about 80 percent of illegals are in seven States. Some are bunched into regions of the country. We wanted to make it very clear that we were not talking about regions of the country, but we are talking about an area within a State. That is an improvement, and I think it is a worthwhile statement to ensure that the purposes of this pilot program will be defined as an area within a State.

Second, it mandates the INS to conduct the three types of programs which are listed in the bill. These three had been selected after the consideration of a number of other suggestions. And, as I mentioned earlier, I think they are worthy of pursuing. We are making sure that they will be pursued. There is one pilot project where employers have to verify an employee's Social Security number over the phone; one which tests the effectiveness of the State identification card, and that includes a readable Social Security number; and one where employers have to verify employment eligibility, only for employees who are noncitizens. These three mandates of the INS cannot require employers to participate in a pilot program, unless the Attorney General certifies it is anticipated to meet the privacy and accuracy standards of the bill.

We have outlined in very careful detail the privacy provisions, and we are strongly committed to ensuring that privacy will be realized and achieved. We will work closely with the INS to make sure that that happens.

As has been pointed out in the course of the debate, we wanted to insist on accuracy. If you have just programs that are maybe 80 percent, or 85, or even 90 percent accurate, you are still 10, or 15, or 20 percent inaccurate, and you are still talking about tens of thousands of people who would be unfairly treated. And so that aspect of the pilot program—to insist on the accuracy standards which have been outlined—is 99 percent in this bill and is enormously important.

So I think questions had been raised after we had determined that the pilot program would be instituted in the Judiciary Committee, and from the Judiciary Committee to the floor, and even during the course of the debate, we have been asked to clarify these particular measures, and the Simpson amendment does that. These modifications make good sense. This amendment ensures that pilot projects can be no larger than an area within a State. It means that a pilot that covers an entire State would be too large. The amendment requires the INS to conduct the three projects, and these projects are listed as optional pilots in the bill. The amendment simply re-

quires the INS to test these three projects. If any of these work, it will mark a major improvement in denying jobs to illegal immigrants.

Once again, this is where the focus ought to be on the issue of the job magnet, the fact that jobs are what bring people here to the United States illegally. As we know, those individuals who are the illegals basically are low-skill or no-skill workers, and they are the ones which add the least, obviously, to the economy and still are involved in displacing other Americans and driving wages down.

So if we are able to address the issues of the job magnet—and this legislation attempts to do that in a variety of ways, which have been spelled out earlier in the course of the debate, both from trying to address the issues of the fraud documents and trying to strengthen the Border Patrol, trying to develop these other kinds of proposals to limit the—and make it less likely that illegals will enter the job market, I think we are on the road to trying to take meaningful steps to deal with the problems of illegal immigrants coming to this country and still ensure the protections for American workers that may speak with a foreign language or may have a different appearance.

I do not know of any opposition to this amendment. Members have known about it for some period of time. Perhaps we will be willing to set this aside. We are personally contacting Members who have indicated an interest to find out whether they either want to address it or require a rollcall vote. It seems to me that we will pursue that. But we, again, hope that our other colleagues who have other amendments will come forward. I am sure when they do, we will set this aside. At some time later, I suppose, we will ask, when we stack the votes, that this be one that we stack.

If Members have differing views on this issue, we are here now to debate it. After a reasonable period of time, we will assume that those Members, unless they notify us, are willing to let us move forward and accept this amendment. We intend to do that in a reasonable period of time.

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. THOMAS. 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. THOMAS. Mr. President, I ask unanimous consent I might take 3 minutes for the introduction of a bill.

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

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1714 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. WELLSTONE. I thank the Chair. I will be brief, I say to my colleagues. I will stay under 5 minutes.

RISE IN GASOLINE PRICES

Mr. WELLSTONE. Mr. President, I come to the floor to read a letter that I have today as the Senator from Minnesota sent out to a number of oil companies in our country.

I ask unanimous consent to have this letter printed in the RECORD.

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

MAY 2, 1996.

Much has been said recently about the rise in the price of gasoline, attributing this rise to a number of factors. As you may know, the Senate Energy and Natural Resources Committee, of which I am a member, will be holding a hearing to look into this matter on May 9, 1996.

My understanding of the industry position on this question is that several unrelated factors have led to the recent increase of gasoline prices: high demand for heating oil due to the long winter, seasonal refinery maintenance practices, refinery shutdowns, and the failure of Iraqi oil to enter the market as expected. Although all of these are credible explanations, there is an argument that runs counter to this position which I would like you to address.

The crux of my concern relates to the industry practice of "just-in-time" inventory management. It appears that the inventories of crude oil and petroleum products are now being held by the industry at significantly lower levels than have historically been the practice. In fact, a particularly significant drop in inventories seems to have occurred during the summer of 1995, not during the winter as one might expect. As you know, when inventory levels are so low as to impact the availability of gasoline, consumers and the economy can be exposed to the risk of price spikes by otherwise unremarkable increases in demand. My fear is that while oil companies may use this management technique to save money, the result is that the consumer may end up paying the price.

I would hope that the oil industry would not use this management technique to ring up huge profits on the backs of the American consumer.

In helping me prepare for any upcoming action in the Senate Energy and Natural Resources Committee, please explain why industry inventories of crude oil and petroleum products have been maintained recently so far below the usual level, and what effect "just-in-time" inventory management may have had in contributing to or aggra-

vating the current price increase. In crafting your response, please explain why inventories were reportedly decreased so drastically in June and July of 1995. In addition, I would appreciate knowing whether the matter of low inventories or any other issues relating to the recent increase in the consumer price of gasoline have been the subject of discussions between representatives of your company and other officials in the industry. Finally, please provide any further information you feel may be useful to me and to the Committee in our review of this matter.

Thank you for your prompt reply.

Sincerely,

PAUL D. WELLSTONE,
U.S. Senator.

Mr. WELLSTONE. Mr. President, I will quote from sections of the letter:

Much has been said recently about the rise in the price of gasoline, attributing this rise to a number of factors. As you may know, the Senate Energy and Natural Resources Committee, of which I am a member, will hold a hearing to look into this matter on May 9, 1996.

That is next week.

My understanding of the industry position on this question is that several unrelated factors have led to the increase of gasoline prices: high demand for heating oil due to the long winter, seasonal refinery maintenance practices, refinery shutdowns, and the failure of Iraqi oil to enter the market as expected. Although all of these are credible explanations, there is an argument that runs counter to this position which I would like you to address.

This letter is in the spirit of all of us having the information we need to make responsible decisions.

Mr. President, what I am talking about is what ways this low inventory may have affected this spike in the prices that consumers are experiencing. Since there has been a lot of information that has been coming around, or at least a lot of speeches given, it seems to me one of the things we want to do as Senators, whether we are Republicans or Democrats, is get to the bottom of this and try to really understand the why of this spike, the why of this rather dramatic increase in gasoline prices.

These low inventories, really record low inventories, are something that I think we ought to look at. Undoubtedly, this saves money for the companies. But on the other hand, what happens if demand goes up at all with the inventory, the supplies, kept down by the oil companies? Then your supply-and-demand curve is such that it could lead to the very spike in prices that we are now experiencing in the country.

I have sent this letter to the oil companies. I am hoping that they will be forthcoming with the requested information. On May 9, in the Energy and Natural Resources Committee, I will put the questions to the oil companies. I hope they will be accountable. Those of us in the U.S. Senate, Democrats and Republicans alike, will have this information. I think it is a very important issue. I think it is extremely important that we understand what is now happening to consumers that we represent. I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. BRYAN. Mr. President, I understand my distinguished colleague, the senior Senator from Florida, wishes to speak shortly, but that he needs a little more time. If there is no objection from the floor managers, I will make some general comments about the bill at this time, if I may.

Mr. President, I think it is appropriate at this time, as we are, hopefully, nearing the conclusion of our debate on this important piece of legislation, to make some general observations and comments. First, to acknowledge the leadership of Senator SIMPSON. What has been accomplished, in my judgment, could not have been accomplished in earlier Congresses. I commend his leadership. Although the distinguished ranking member of the subcommittee has not been in agreement on all parts of the piece of legislation, I believe that Senator KENNEDY's role in this has been a constructive part of a process which, in my judgment, will make major changes in our immigration enforcement efforts.

Some time last year, I had the pleasure of testifying before the Immigration Subcommittee in support of S. 269, Senator SIMPSON's illegal immigration reform bill. I am pleased that the legislation that we have been debating these past few days essentially deals with the scope and the manner which the bill that I testified on last year covered.

I want to preface my remarks by re-emphasizing a point that I made at the time, which I think is valid in the context of the debate this year. That is, that there are those who are critics of our attempts to reform the immigration laws in this country who suggest that our efforts are somehow mean-spirited or even "xenophobic." In my view, that is not only an unfair characterization; it is an opinion that is completely out of touch with the realities of our time.

The Commission on Immigration Reform, chaired by the late Honorable Barbara Jordan, responded to this in the 1994 report to the Congress in which she and the members of the Commission concluded:

We disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.

Mr. President, first and foremost, it is and it has always been the province, and indeed the responsibility, of the Congress to establish and to provide the means of enforcing our country's immigration laws and to do so in the national interest.