

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Since the Immigration Act of 1882, Congress has recognized the need to fashion immigration policy to fit the various public policy interests of the time. In the 19th century, our country depended on immigrants to build the railroads, to defend our unstable borders, and to populate the new frontier.

At the turn of the century, our immigrant population helped to fuel the Industrial Revolution and to promote economic expansion. As a consequence, immigrants were allowed nearly unfettered access to our shores during that same period of time.

As the needs of our country changed over the course of the early part of the 20th century, so, too, did our immigration policies. Although some of these policies were clearly the result of a racial animus, our legal immigration system has evolved into one that primarily is based on family unification and needed skills.

In spite of the Congress' best intentions, U.S. immigration laws have been violated on a massive scale over recent years. The Immigration and Naturalization Service estimates that nearly 300,000 undocumented aliens enter and remain in the United States permanently each year. That figure includes a substantial number in my own State of Nevada, estimated to be nearly 20,000.

The proposition 187 ballot initiative in California last year is an example of the frustration felt by many in that State over the failure of the Federal Government to enforce our immigration laws. The consensus that has emerged in this Congress and in the White House concerning the need to balance the Federal budget in 7 years has placed severe constraints on discretionary spending in the foreseeable future. As that discretionary pie continues to shrink, we must constantly reprioritize the spending allocations for many worthwhile spending programs that in whole or in part the Federal Government has been asked to support.

While rational people may disagree as to the overall societal cost associated with illegal immigration, it seems rather fundamental to me that limited Federal resources are better spent on those persons who have played by the rules and reside in our country legally.

I want to mention another aspect of unlawful immigration, one that is more difficult to quantify, yet clearly carries a price tag for us as a society. That is the cost to our environment. In many parts of the country, but particularly in the Southwest, the burgeoning population has placed tremendous strains on our natural resources. The quality of the air we breathe, the water we drink, and the land on which we live and recreate is directly related to population levels. Our ability to maintain a safe and healthy environment is constantly being challenged as those growth levels continue to increase. Unlawful immigration exacerbates these challenges in areas ranging from solid

waste disposal to maintenance of our city parks.

Mr. President, I have cited several of the realities we face as a nation in order to put in context the need for the legislation that we have debated and, hopefully, we will pass later on today.

Quite simply, we must do a much better job of curbing the flow of illegal immigration, and that means both preventing illegal aliens from entering our country and deporting those who remained within our borders unlawfully. The legislation that we debate addresses both of these problems. It contains strong law enforcement provisions to assist in detaining and removing illegal immigrants, and, more importantly, it includes strong provisions relating to employer sanctions and verification systems.

I might just parenthetically acknowledge the support of Senator SIMPSON and Senator KENNEDY with an amendment which I added which has been included in the managers' amendment that deals with juvenile offenders who are here illegally and commit crimes that, if committed by adult offenders, would be serious felony offenses.

The fact that this provision has been accepted in the legislation, I think, will strengthen the hand of law enforcement and give us an additional tool to deal with those violent juvenile offenders who are here unlawfully who currently are protected under the provisions of the Family Unity Act and who now may be subject to the provisions which will enable a stronger effort to be made to return them to the country of their own origin when these serious felony offenses are committed.

The bill incorporates many of the recommendations of the Commission on Immigration Reform, as I alluded to earlier. It recognizes, as did the Commission, that the primary factor motivating people to enter our country illegally is the availability of jobs, jobs that pay more, often much more, than that in which an individual could expect to make in his or her native country.

While this legislation reflects the need to enhance our border security efforts by nearly doubling the authorized level of Border Patrol agents over the next 5 years, it also recognizes the fiscal and geographical constraints of patrolling the entire U.S. border.

Mr. President, the fact that more than half of all of illegal immigrants currently in the United States entered our country legally and subsequently overstayed their visas evidences the need to do much more than just to improve border security to stem the tide of illegal immigration.

The Commission on Immigration Reform found that the ineffectiveness of employer sanctions, prevalence of fraudulent documents, and continued high numbers of unauthorized workers, combined with confusion for employers and reported discrimination against employees have challenged the credi-

bility of current work site enforcement efforts.

This bill recognizes an improved system to verify eligibility to work in this country must be developed. It includes provisions to reduce the list of documents that may be accepted by employers, and directs the President to conduct local or regional pilot projects on improved verification systems. The recommended system could not be implemented, however, until it was authorized by Congress.

The bill also contains provisions related to another recommendation of the commission, and that is the availability of public benefits to legal immigrants. The current law in this area, a version of which has been on the books for more than a century, provides that an immigrant may be admitted to the United States only if the immigrant provides adequate assurance that he or she is not likely at any time to become a public charge. The bill provides if an alien within 5 years of entry does become a public charge that immigrant may be subject to deportation.

This policy is consistent with the Commission's recommendation and with the philosophy we as a Nation admit legal immigrants, with the expectation they will reside permanently in the United States as productive residents. In addition, the bill provides sponsors should be held financially responsible for the immigrants they bring into this country. In making the affidavits of support signed by sponsors legally enforceable, the bill indemnifies the Federal Government and seeks to hold the taxpayers harmless of their current responsibility for providing for support.

Mr. President, I want to make it clear that I recognize the contribution immigrants have made to our society. With the exception of native Americans, we are all a product of our Nation's immigration system. That is why it is so important for us as a nation to establish and to enforce our immigration laws so that those who have played by the rules and followed the law are rewarded for their efforts. We can no longer allow aliens who enter or remain in the United States in violation of our immigration laws to effectively take immigration opportunities that might otherwise be extended to those potential legal immigrants whose presence would be more consistent with the public policy determinations made by this Congress about what is in our national interests.

Once again, Mr. President, I commend Senators SIMPSON and KENNEDY for their efforts in producing this piece of legislation. I look forward to supporting its enactment and its final passage. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3759 TO AMENDMENT NO. 3743

(Purpose: To suspend the requirements imposed on State and local governments if certain conditions prevail)

Mr. GRAHAM. Mr. President, I call up amendment 3759 which has been previously filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] for himself and Mr. SIMPSON, proposes an amendment numbered 3759 to amendment No. 3743.

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

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

The amendment is as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

**SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinations described in subsection (b) shall be made, if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

Mr. GRAHAM. Mr. President, before I commence my remarks on this specific amendment I will provide some context. I strongly support the efforts that have been made and that are being made in this legislation to stem the tide of illegal alien entry and continued presence in the United States of America. Clearly, it is a national responsibility delegated singularly to the Federal Government under our U.S. Constitution to protect our borders and assure that in all areas, including immigration, that we live by the rule of law and not by the rule of the jungle.

What concerns me, from the State which has experienced the adverse effect of illegal aliens to a greater extent than any other State in the Nation has done so, and who feels so passionately about the national responsibility to en-

force our laws and protect our borders, what concerns me is that in this legislation which is labeled, which has on its book jacket the phrase "illegal immigration," when you open the book, look at the individual chapters, there are significant provisions that do not relate to illegal immigration.

We dealt with one of those provisions earlier this week when we eliminated the provision in the original bill that would have essentially terminated immediately the Cuban Adjustment Act, an act from 1966 to today which only is available to people who are in this country with legal status. That is not the only example in a book which has in its title "illegal immigration." Its chapters have provisions relating to people who are in here, having followed the law, having followed the rules, paying taxes, doing all the things that we expect of law-abiding residents within the United States. Most particularly, Mr. President, those provisions that affect legal aliens come into play in the aspect of the eligibility of those legal aliens for a variety of programs which have some degree of Federal financial involvement.

I support, also, the principle that the sponsors of this legislation have articulated on repeated occasions that we should look first to the person who sponsored the alien into the country as being the financially responsible partner, for their needs to avoid the necessity of that individual becoming a public charge. That is a desirable and, frankly, too-long ignored principle. Our courts have ruled as recently as 2 years ago that the current affidavit of sponsorship is not legally enforceable. This legislation will hope to breathe the fire of enforceability into that affidavit.

My concern, Mr. President, is not only that we are dealing with legal aliens in a bill described as illegal immigration, and carries with it all of the momentum and all of the emotion and passion that that title brings, but also that we are placing the Federal Government in a position of being the deadbeat dad of immigration. And how is that? The Federal Government determines how many legal aliens can come into this country. The Federal Government determines under what conditions they can come and under what conditions they can stay. None of those decisions can be influenced by the local community, whether it is Dayton, OH, or Dade County, FL. None of those can be influenced by a State. They are totally national judgments, and we made several of those judgments in the past few days here on the Senate floor.

We are now saying that we are going to look primarily to the sponsor to pay the cost of that sponsored alien. But what happens if that sponsor is unable, unwilling, or cannot be found to carry on that responsibility? The way the structure of this bill is, you determine the financial condition of the sponsor, and since this bill says nobody can sponsor an alien unless they are at

least 125 percent above the poverty level, and since for most of the programs of eligibility you have to have less than 125 percent in order to qualify—for instance, Medicaid—in most States, unless you are in a special category such as a pregnant woman or a child, you have to be substantially less than 100 percent of poverty in order to qualify. So, by definition, almost every one of these legal aliens with a sponsor's income is going to be rendered ineligible for needs-based programs in which the Federal Government is a participant.

But what happens when the reality is that the sponsor is unable or unwilling to meet the obligations of the sponsored legal alien? The most likely area in which that is going to occur is going to be health care. Most sponsors will be able to meet their obligations in terms of providing food, or shelter, or other basic necessities of life, but what happens when that alien is diagnosed as having cancer? What happens when that legal alien is seriously injured? That is when that sponsor, at 125 percent of the poverty level, is not going to realistically be able to meet those needs.

We have a Federal law that says that any American person—not just a citizen—any person can go to a hospital and get emergency treatment regardless of their financial condition. That is exactly what is going to happen with that legal alien with cancer, or a serious accident, or if they become pregnant and they cannot afford the cost of delivery. They are going to end up at a hospital with their medical condition and unable to pay and the sponsor being unable to pay.

Now the Federal Government has washed its hands of that responsibility. We are the "deadbeat dad" of obligations of legal aliens. But somebody is going to pay. That somebody is going to be the hospital or, more likely, the local community and the State and their taxpayers in which that hospital is located.

So the issue is not should the sponsor be responsible. Yes, the sponsor should be responsible, and we are helping to make that more likely. But the question is, what happens when the sponsor, for a variety of reasons, is not there when the bill comes due? The fact is, what is going to happen is that there will be a new unfunded mandate imposed upon the communities in which the legal alien lives.

We also have some unfunded mandates, Mr. President, that you spoke to eloquently yesterday relative to new responsibilities on businesses. We are not willing to pick up all of the cost that it is going to take to implement many of these programs, including the verification programs. So we have said, in addition to asking local governments and States to have to pick up additional costs, we are going to shift some of these costs off to the private sector and let them pay for it. I do not think this is a fair allocation of what is

a constitutional Federal responsibility for our immigration laws.

So, Mr. President, as I begin my comments on this specific amendment, I want to make it clear: I think we ought to have the strongest laws and commitment to enforce those laws against illegal immigration that are available to us. I think that it is appropriate to ask sponsors to be primarily responsible for legal aliens. I do not think we ought to be doing it in this bill. As a matter of policy, it is a desirable objective, but I do not think that we ought to be setting up a circumstance in which the Federal Government essentially shirks its financial obligation and adds that obligation to the communities in which legal aliens are living and to the business sector which is now going to carry new responsibilities for verification.

Mr. President, the first priority of the Senate during this 104th Congress was S. 1, the very first bill filed at the desk, S. 1, and the title of that was the unfunded mandate reform bill of 1995. It was also included as a top priority in the House of Representatives, and it passed both bodies in the first 100 days of the 104th Congress. At the time we considered that legislation, the majority leader of the Senate said, and I quote:

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

I strongly concur in the statement of our majority leader.

What does that statement now have to say about the legislation that is before us this morning? The Congressional Budget Office, in the limited time available to it to review the legislation's broad, sweeping impact on State and local governments, has determined that this bill, S. 1664, does in fact violate the \$50 million threshold for tripping into effect the unfunded mandate procedure. That \$50 million is found just in two areas: the requirements governing increased expenses for birth certificates, and driver's licenses. Although the bill would impact literally hundreds of programs run by State and local governments, just these two—birth certificates and driver's licenses—would have an unfunded mandate on State and local governments in excess of \$50 million.

With respect to all of the encompassing requirements imposed under this legislation, the Congressional Budget Office states:

Given the scope and complexity of the affected programs, however, the Congressional Budget Office has not been able to estimate either the likelihood or magnitude of such costs at this time. These costs could be significant, depending on how strictly the deeming requirements are enforced by the Federal Government.

Let me repeat. "These costs could be significant."

Mr. President, S. 1664 fails the majority leader's truth-in-advertising test. We are prepared to vote on a bill that we truly have not the foggiest idea what its impact will be on State and local governments. We certainly are extremely concerned and strongly supportive of raising the issue of unfunded mandates.

As a result, I have offered the amendment which is currently before the Senate that would waive the imposed and mandated bureaucratic requirements if the Federal, State, or local administering agency makes one of these three determinations: a determination that the cost of imposing the requirement exceeds the benefit; second, that Federal funding is not sufficient to cover the cost of the imposed requirement; or, third, that the application of the requirement would delay or deny services to the otherwise eligible legal immigrant in a manner that threatens life, safety, or public health.

Mr. President, I have a letter dated April 24 from the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities. This letter strongly supports the pending amendment. In it, these three organizations write:

This assures that new deeming mandates are cost effective and not unfunded mandates. This is a critical test of your commitment to preventing cost shifts to, and unfunded administrative burdens on, State and local governments.

The U.S. Conference of Mayors also supports this amendment. In short, this bill, once again, creates a large unfunded mandate on State and local governments. Once again, I repeat the quote from the Congressional Budget Office:

Given the scope and complexity of the affected programs, CBO was not able to estimate either the likelihood or the magnitude of such costs at this time. These costs could be significant.

Mr. President, the only study as to what these costs may be comes from the National Conference of State Legislatures. These are our colleagues, fellow legislators in State capitals across the land. Many of us had the privilege, at a previous time, to have served in a State legislature. We know the difficult choices that they must make in terms of balancing limited resources at the State level, because they do not have the option, as we do, to deficit finance their programs. So they are very concerned about unfunded mandates that distort priorities.

The CBO had a limited time, as did the National Conference of State Legislatures, to do its study. But the NCSL developed a report on 10 affected programs. This study, incidentally, did not include Medicaid and did not include 40 other Federal means-tested programs which will be covered by this legislation. But what did it find in the 10 programs that were studied? After contacting more than 10 States of varying sizes, the study concludes that:

Regardless of the size of the immigrant population, all States and localities will have to implement these unfunded mandates.

In other words, this bill impacts Sioux City, IA, and Billings, MT, just as it does Los Angeles, CA, or Miami, FL. This bill requires all Federal, State, and local means-tested programs to have a new citizenship verification bureaucracy imposed upon them—even those areas which have very few aliens. As a result, what are the estimated costs being imposed on State and local governments, even for just the 10 programs that the NCSL has studied? According to the study, "The cost of these requirements for 10 selected programs would result in a \$744-million unfunded mandate." A \$744-million unfunded mandate.

Mr. President, let me repeat that the NCSL study indicates that the unfunded mandate cost of 10 programs will be \$744 million. Once the other multitude of programs are analyzed, the cost on State and local governments could far exceed a billion dollars. It could be several billion dollars. Nobody has the foggiest idea.

However, there are no provisions in the pending legislation to reimburse State and local governments for the administrative costs and the cost shifts that will be imposed upon them. As the majority leader said, again, in debating the unfunded mandate bill:

We do not have all the answers in Washington, DC. Why should we tell Idaho, or the State of Kansas, or the State of South Dakota, or any State, that we are going to pass this Federal law, and we are going to require that you do certain things, but we are not going to send you any money? So you raise taxes in the local communities or in the State. You tax the people, and when they complain about it, say, "Well, we cannot help it because the Federal Government passed this mandate." So we are going to continue our drive to return power to our States and our people through the 104th Congress.

Those words were a ringing declaration of purpose in January 1995, which I think we should now recall in May 1996. All programs in all places, regardless of whether the new bureaucratic costs exceed the benefit, regardless of whether it imposes a very large unfunded mandate on State and local government, are impacted by this bill.

Some examples: Foster grandparents in Bismarck, ND, or a van to check the blood pressure of poor, pregnant mothers in Topeka, KS, using alternative child care health funding. These are examples of programs that have Federal funding that would now be subject to the verification requirements of this legislation. The local jurisdictions with few if any aliens would have to verify immigration status and sponsorship information, regardless of that fact.

My amendment would allow the State or local administrative agency, or the Federal agency, to certify and waive out of the bill's requirement in such a case where the cost of implementation clearly exceeds the savings that are contemplated. This amendment recognizes that one-size-fits-all policies do not work and are not cost

effective—a recognition of a basic tenet of this country's federalism.

This amendment would also recognize that this may be virtually no savings—something that the Congressional Budget Office has verified in its scoring of the bill's savings in certain programs. For example, the maternal child health block grant funding is often used to augment services provided by the public health department for preventive health care services aimed at pregnant women. However, since the maternal child care program is capped—that is, there is a maximum expenditure—there would be no Federal savings by imposing any additional administrative requirements. Again, CBO estimates no cost savings by imposing deeming in the maternal child care program. But administrative costs would certainly increase substantially for public health units across America.

In such a case, despite the fact that the Federal funding to the public health department would account for as little as 1 percent of total funding, all of this new bureaucracy would be imposed. The added cost of administering deeming, for example, in such a program could exceed all of the Federal funding that goes into the program. This is neither prudent nor something which I believe our colleagues would think is sufficient government.

Moreover, this amendment is entirely consistent with statutory language, which provided that the implementation of the system of alien verification—the SAVE Program—was administered. Under the SAVE Program, States could be waived from the program upon a determination that implementing SAVE would cost more money than the savings that would flow from such implementation. So we already have, in the immigration law itself, an example of recognizing a cost-benefit relationship, and that cost-benefit relationship will differ from one community to another.

In addition, the amendment would allow the appropriate Federal, State, or local agency to suspend the application of the bill's administrative requirements upon the determination that the application requirement would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

For example, the determination could be made that the alien sponsor's deeming requirement should not be applied on a temporary basis with respect to short-term disaster relief, because it could delay essential aid to citizens and aliens alike who are disaster victims. In the case of a major natural disaster, which could occur with little or no prior warning, a person's home can be destroyed in short notice. One's lost possessions could include proof of immigration, citizenship status, or financial information.

Without this amendment, emergency food or housing vouchers could not be

provided to a disaster victim until the alien's citizenship status and sponsorship information has been verified, which can take weeks. It would also relieve an undue administrative burden on disaster relief agencies that would presently have to verify immigration status and sponsorship information during the course of dealing with the disaster in its aftermath. The ultimate victims of such administrative burdens would be the disaster victims themselves, who would have to wait longer to receive services.

Mr. President, we passed the unfunded mandate bill as our first priority. The National Conference of State Legislatures, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors have said, "This is a critical test of our commitment to the unfunded mandate law we passed."

To be against this amendment would be to argue that we should impose costs that exceed the benefit, to impose unfunded mandates on State and local governments and to deny or delay services even if they threaten life, safety, and public health. I cannot believe that anyone in this Chamber believes that those would be wise or prudent courses of public policy.

I urge the adoption of this amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, this is like a symphony. We are returning once again to the central theme: This is about deeming, and it is about the sponsor paying what the sponsor promised to pay.

I hear every one of those remarkable and compassionate examples that the Senator from Florida portrays. I know him well. He believes deeply in this. He is a caring person, and he obviously is receiving a great deal of information from his State and from those who administer health care in his State. I understand that. I understand it all.

However, I understand something even more clearly, and that is this. We are talking about legal immigrants, and a legal immigrant cannot come to this country, cannot get in until the sponsor has promised and given an affidavit of support that the person coming in will not become a public charge and that whatever assets the sponsor has or income that the sponsor has are deemed to be the assets of the legal immigrant.

Too bad we have come to the word "deem." The word "deem" seems to confuse people, but I think with the votes we have had the last few days, or 2 or 3 days on this same issue, they are not confused.

Deeming means that if your sponsor has money, his money is considered your money when you go down to get relief from the taxpayers. I do not know how that seems to escape the debate. When you walk up to get money from the Federal Treasury, from the

rest of us, why should the rest of us cough up the money when the sponsor has not done it yet, or has not run out of money himself or herself?

That is the issue. There is no other issue.

Now, what if the sponsor is in trouble? What if the sponsor cannot cut the mustard? What if the sponsor says: I did agree to bring this person to the United States and I did agree that they would not become a public charge, and I did agree to sign an affidavit of sponsorship, and I promised to do that, but I cannot do it. I have had a bankruptcy. I have lost my job. I cannot do it.

And what happens then? That is it. The sponsor is off the hook, and the taxpayers pick up the load. Nobody is saying that these people wander around in the streets; that they do not make it; that they are not going to make it. All we are saying is whatever the program, if the sponsor has the assets and the income stream and can afford to pay, that sponsor will pay before the taxpayers of the United States pay anything, regardless of what it may be, with the exception of what was in the managers' amendment, which was in the committee amendment, which was about soup kitchens—that is in there. We do provide that—and there were several other items, and Senator KENNEDY will recall what those are.

If this is one that I guess our colleagues do not understand, then I think we have failed in the debate, and people may vote it certainly either way. But I urge my colleagues to defeat this amendment. It is one more amendment on deeming. The amendment would allow State welfare agencies to avoid the requirement to deem if the State agency itself—now listen to that—it is the State agency itself determining that, one, the administrative costs would exceed the net savings or, two, that Federal funds are insufficient to fund the administrative costs, or, three, that deeming would "significantly delay or deny services in a manner that would hinder the protection of life, safety, or public health."

The enactment of the bill itself would create a congressional requirement for deeming, for Federal and all federally funded programs, and that requirement is based on the basic belief that after immigrants are admitted to the United States they should be self-sufficient. It is based on the belief that when immigrants need assistance, such assistance should be provided, first, by the immigrant's sponsor who made the initial promise, and if they have not made the initial promise, these people would not have been admitted to the United States. That was the sponsor's promise. That was a condition of the immigrant's admission to our country, a very generous country. And I do not feel it should be up to a State welfare agency or even a Federal welfare agency to decide that such deeming should not be required.

Let us face the real basic fact. You have some agencies in some States and,

boy, they have a tremendous drain—I am sure Florida is one—created by a legal and illegal immigrant population, created by parolees, created by Cubans and Haitians. I understand that. I do understand that. And that is why we provide and always have provided in this work for extra money, extra money always for Florida, California—I remember that in the original bills. I remember that. But let us face the facts. Those agencies, for the best of motives, are far more interested in spending money than in saving it.

Mr. President, if the Congress decides that deeming is not appropriate for particular programs or particular classes of immigrants, I think then and only then the deeming should not be required, but it should not be done by State fiat.

Let me just say a few words about the issue of administrative costs. The Senator from Florida mentions the administrative costs to the States of the deeming requirements. I remind my colleagues the deeming requirements only apply to programs that under current law are means tested.

The effect of deeming is that when an immigrant applies, as I say, for assistance, he or she must report to the provider not only his or her income and assets but also that of the sponsor. That just adds another line or two to the application form. So to be told that this is a terrible administrative burden, here is how I foresee it. You fill out the form, and it says on there your assets and your income. You fill it out, and you add two new lines: Do you have a sponsor in the United States of America? If the answer is yes, you say, what are the assets of your sponsor in dollars? And you enter it. And the second line: What is the income of the sponsor? And you enter that.

That does not seem to me to be a great administrative burden. But, how deeming is enforced, and I hear that argument, how agencies determine whether applicants are telling the truth, of course is another matter, as we all know.

I assume various agencies will have different enforcement policies, as they do today. Some may require verification of income levels from every applicant. Some may adopt an audit-type approach similar to that of the IRS. I do not understand why the bill would lead to any change in that situation. Enforcement policy would be determined by the agency involved. It appears likely to be similar to current practices. If an applicant's own income must be verified, and I assure my colleague that is always the case, then the income of the applicant's sponsor also is likely to be verified also. That is the extra administrative burden, and the purpose of it is to find out what they have, and if they have it you make them pay it before the rest of us pick up the tab for people who promised to pay for them when they came here or they could not have come here unless they made the promise.

I do not know—and I respect greatly my friend from Florida, and certainly consistency and persistency are his forte—but I just think the American public has a lot of difficulty wondering why the general taxpayers have to pick up the tab for anything on someone who came here on the sole promise that their sponsor would take care of everything and that they would not become a “public charge.” Now, under the present bill, if they become a public charge for 12 months out of the 5-year period they can be subject to deportation, with certain clearly expressed exclusions.

I regret being in a position where one would have to be portrayed as, “Why are you doing this?” We are doing it only because I think Americans understand something about taking care of others. Our budget this year is \$1,506,000,000,000 so we must be taking care of someone in the United States of America; \$1,506,000,000,000. Food stamps, cash, noncash, I vote for those things and will continue to do so. But I do not know why I should do it if someone agreed to pay it before I had to pay it. I guess I have enough regard for my own promises, that if I promise to bring people to the United States and pay for them and they went down to get some kind of means-tested assistance or welfare, I would be embarrassed that I could not cough up the money to do it because they are probably relatives of mine and I promised they would not become a burden on the taxpayers. I would keep that promise. I have done that with relatives of mine. I do not know why that should be the responsibility of others. And that is where we are and that is what deeming is and there is a reason for it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senator from Florida is really putting his finger on a different issue, and it is a very real issue for anyone who considers, in this instance, large public hospitals. I think all of us understand the real crisis public hospitals have in serving the needy in all of our great communities and cities.

As I understand the point of the Senator from Florida, if someone is a legal immigrant and has a sponsor and arrives at the Boston City Hospital, that person is going to be treated right away. As the Senator pointed out, we are required to treat him, but it is the hospital policy, in any event, to treat that individual. So they get treated right away. Their emergency is attended to. Now the hospital goes about saying, “How are we going to recover the payments for it?” It goes to the individual. That person happens to be needy, happens to be poor, and happens to be a legal immigrant.

The point, No. 1, Mr. President, is that the foreign-born immigrants in the United States represent 6 percent of the population and only 8 percent of

the utilization in the Medicaid Program. We do not find the abuses in the Medicaid Program. We do in the SSI, which has been addressed in this with effective measures over the period of the next 10 years. But this program we are talking about is not more heavily used by legal immigrants than it is by American citizens. We have to understand that.

We are not going to take the time of the Senate to demonstrate how legal immigrants pay in billions of dollars more than they ever benefit from in terms of taxes, which they are glad and willing to do.

We are talking about that individual who has fallen on hard times and has some kind of unforeseen accident. All right, that person goes in and they are attended to. Then the hospital has to set up some process and procedure—which is going to cost them something, which is not going to be reimbursed by this bill—to go on out and find out who that sponsor is. That sponsor may be in a different part of the country. He or she may be glad to participate and pay for those medical bills.

But, on the other hand, that sponsor may have died, may be bankrupt, may be in another part of the country and refuses to respond. Our concerns are what is going to happen to that city hospital? What is going to happen to that city hospital when that city hospital does not get paid by the individual, does not get paid by the sponsor, and has to go to court? Who is paying the court fees to try to get the money?

I am sure the Senator from Wyoming would assume the responsibility that they have assigned. But suppose that individual is in some financial difficulty. That would have been very easy, in my part of the country, during the 1980's, when we were having a serious, serious recession. That person comes in and the hospital cannot recover. So, what do they do? They serve primarily the poorest of the poor, the uninsured. Even though there is not overutilization of the Medicaid Program, there are many hospitals like the public hospitals, like a good hospital that serves—particularly city hospital, in Cambridge, that serves about half our foreign born—that would have very substantial additional costs.

Over the 6-year period, the Boston City Hospital estimates that the additional costs will be \$26 to \$28 million. We cannot say that to an absolute certainty. But looking over their lists, and at a quick review, they estimate that is the additional cost to the Boston City Hospital. And there is not going to be any additional help and assistance for Boston City Hospital.

Senators can say we do not want the taxpayers to pay. They are going to end up paying in that local community, the taxpayers are going to end up paying. All we are saying is, unless we are going to provide at least some recognition of this problem, if that is going to be the case, then do not jam it

to the health institutions that are providing for the neediest people in our society. That is, effectively, an unfunded mandate, as far as I can see. It might not fall within the particular scope of the legislation that was passed. I understand that. And perhaps technically it does not. But the idea that we around here some months ago were saying that at least the Federal Government is not going to do something to States and local communities, or in this instance the city of Boston and the Boston City Hospital—"We are not going to give you something that you cannot afford to pay for"—is not so, with regard to this particular provision.

You can ask any administrator at any public hospital in this country. They have an interest in trying to, No. 1, provide health services. But, also, to be able to provide them, they are going to have at least some kind of financial assurance they are going to be able to do it.

They are going to end up either trying to pass the costs on to others who have insurance, and most of them in the inner cities—many of the clinics in rural areas just are not going to do it. We are going to see a deterioration in the quality of health care. People ought to understand it. That is what is going to happen. We can say it is not going to happen, that that hospital in Boston is just going to pick up that piece of paper and say, "Oh, it is John Doe, he has \$25,000 in a safety deposit box and he just cannot wait to pay that hospital." That is unreal.

We are talking about the real world in many of these urban areas, whether it is in Florida or the hospitals in Los Angeles or Boston City Hospital, Chicago, San Francisco—any of them. They are in crisis, in any event. Given the additional kinds of responsibilities that they have had to treat people who have preexisting conditions, or who are the subject of violence and battering, which has grown and exploded, or substance abuse in those communities, or HIV infections—all of these problems fall on the inner-city hospitals. That is the reality of it.

To think these overtaxed medical professionals are going to be able to run through this gamut to find that person who is deeming and bring court cases and recover those funds, good for them when they can do it. But the purpose of this is to recognize you are still going to insist these hospitals are going to end up holding the bag, and that is unfair.

As I understand the amendment, it says if that is the case, after they made every effort to try and recover and that is the case, that this is going to be at least suspended until we address that particular issue. It seems to me that happens to be fair.

Finally, as I mentioned earlier, Mr. President, if this looks like a duck and this quacks like a duck, it is a duck. This is a requirement on State and local communities and local institu-

tions to take actions for which we are not providing the resources. There is not a nickel in here to either try to help the State of Massachusetts or Suffolk County or the public hospitals in Boston to help relieve them when we are tightening the belt.

I think the point is well taken on this issue. I think we should recognize that and support the amendment of the Senator from Florida.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, just a query. What is the plan here? Is it to stack votes? What is the arrangement going to be?

Mr. SIMPSON. Mr. President, I have not visited with our majority leader, but the plan is to conclude the debate on the pending amendments. So I am ready to set aside the pending amendment and go immediately to the amendment of the Senator from Rhode Island, if that is appropriate.

I believe there is one other amendment to be offered by Senator DEWINE. There is a Senator Chafee amendment. There is the Graham amendment. The Simpson-Kennedy amendment is pending. We would like to complete the debate.

So, if the Senator from Rhode Island would like to offer his amendment at this time—we can set aside and continue debate later on the Graham amendment with no time agreement. We will try to get a time agreement on these various measures. If the Senator wishes to enter into a time agreement, I would enjoy that opportunity.

Mr. CHAFEE. Mr. President, I am willing to enter a time agreement of 20 minutes equally divided, with the understanding that if I do need a couple more minutes, the Senator will be good enough to let me have that. I will sure appreciate it.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senator from Rhode Island offer an amendment with a time agreement of 20 minutes equally divided, and if the Senator should require more time, I will yield sufficient time from what little time I have left. What is the status with regard to my time, Mr. President?

The PRESIDING OFFICER. The Chair will answer the question of the Senator from Wyoming. He has 34 minutes remaining.

Mr. CHAFEE. Under the system of the stacking, will there be the usual system of when we do vote, we will have a minute to each side to explain?

Mr. SIMPSON. Mr. President, when we eventually enter that unanimous-consent request, indeed there will be the usual provision and assurance that there will be 2 minutes equally divided.

The PRESIDING OFFICER. That has already been ordered. The Senator has asked unanimous consent for 20 minutes equally divided. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator GRAHAM's amendment be temporarily set aside.

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

The Chair recognizes the Senator from Rhode Island.

AMENDMENT NO. 3840

(Purpose: To provide that the emergency benefits available to illegal immigrants also are made available to legal immigrants as exceptions to the deeming requirements)

Mr. CHAFEE. Mr. President, I have a very simple amendment. Some will say we have been over this ground before. I do not think that is quite accurate in that this is far narrower—

The PRESIDING OFFICER. Is the Senator from Rhode Island calling up his amendment?

Mr. CHAFEE. Amendment No. 3840, and I ask unanimous consent that Senator MACK be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. MACK, proposes an amendment numbered 3840.

On page 201, line 4, strike "(vii)".

Mr. CHAFEE. Mr. President, as I say, this is an amendment that is far narrower than any other amendment that has been brought up in connection with this matter that we have been discussing.

I hope that the floor managers of this legislation will accept this amendment. What it does is it says in those areas where illegal aliens—illegal—who have come in unauthorized into the country are entitled to certain benefits in four categories—emergency Medicaid, prenatal and postpartum Medicaid services, short-term emergency disaster relief, and public health assistance for immunizations, all of these are emergency health matters—all of these are granted to illegal aliens, and I am saying they ought to be granted to legal aliens.

If we let those who have come into the country illegally have these services, then certainly they ought to be available for legal aliens who properly came in under all the right procedures.

There will be considerable discussion, I suspect, about deeming, about saying, "Well, their sponsors ought to pay for these things."

First of all, in a straight matter of equity, if you are illegal, you get them for free or you are able to qualify under whatever the qualifications are under these programs, and it seems to me if you are legal, you should be entitled to the same thing.

You do have situations where a legal immigrant is reluctant to go to his or her sponsor for support in certain matters. We have determined by the fact we are granting these privileges to illegal aliens, we are doing it not because we have great big good hearts, but because we think it is good for the country. We think it is good that illegal

aliens get immunization shots, and certainly if that is true, for the benefit of the Nation, for the benefit of the public health, then the same ought to apply to legal aliens.

So there it is, Mr. President. It is strictly an equity matter, if you will. It is strictly a public health matter, likewise. We think it is worthwhile for illegal aliens to get proper prenatal care, and if we think that is true for illegal aliens, certainly it ought to be true for legal aliens.

This is not a budget buster. This is not going to drive the national debt through the sky. These are very narrow, very limited matters, far more limited than any of those that have been brought up in past amendments.

This is not replaying an old record. This is a very, very defined group of benefits, and I hope that the floor managers will accept it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, there is no one more sincere in his beliefs than my friend from Rhode Island. He is a man of great integrity and courage, and I admire his strength as he does his work. He is good at it.

This is another one of those amendments—this is my view of it, which I get to express—this is exactly what this is, another form of this amendment, of what we have done before in six previous votes and will do again.

We are considering an amendment which would have the effect of shifting cost from the persons who sponsor immigrants, usually their relatives. We are shifting that to the American taxpayers.

This argument of how could we possibly do this for illegal aliens and not do it for legal aliens who are paying and doing their share is a great argument. The reason we allow illegal aliens to receive certain benefits, if the alien is needy, is because most Americans are like Senator JOHN CHAFEE of Rhode Island or Senator AL SIMPSON of Wyoming. The issue is, they should have that basic support system if they are needy.

I have voted for that consistently. There were some in the House of Representatives who did not want to consistently stay with that support level. I have never been of that category. Most Americans, almost all Americans, would agree that that is a wonderful thing to do for illegal aliens who are here and who are needy.

The immigrants, the legal immigrants, can also receive all of those benefits, too, if they are needy. I hope you hear this. I think I will never make it through any more of it. If a legal immigrant is needy, they will get everything in the left-hand column. I hope you hear that.

But if they have a legal sponsor who said that he or she was bringing these people here only on the condition that they would not become a public charge,

then when that legal immigrant goes in to get a means-tested program, cash or noncash, they say, "Are you needy?" and he says, "I am." They say, "Do you have a sponsor?" "I do." "Does your sponsor have any money?" "Yes." "How much? List it." If that sponsor has funds, that sponsor will pay the bill and not the rest of us.

It is then a confusion, I guess, for people. It is deemed that the sponsor's income and assets are the assets and income of the legal immigrant. So when they go to get those benefits, they are not going to get them if the sponsor has money. If the sponsor does not have money—and I want this very clearly heard, because the Senator from Massachusetts is saying, what will happen, what will happen if the sponsor does not have the money, cannot meet the obligation?

Ladies and gentlemen, it is very clear what will happen if the sponsor cannot cut the mustard and something has happened to the sponsor, the sponsor is sick or ill or bankrupt or whatever, then the sponsor is off the hook. That is listed in this bill; a determination that, if the sponsor cannot meet the obligation that they assumed in the promise, once that determination is made, then the U.S. taxpayers will pick that up.

That is the purpose of our effort. The issue is just as simple as it always was: Sponsor or taxpayer; take your choice.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. There are two points I would like to make.

First, Mr. President, why in the world do we provide these benefits for illegal aliens if we do not think they are important for the national health and benefit of the Nation? I mean, we have decided as a nation that it is important that any woman have proper prenatal care because we want that baby that is born to be healthy, healthy when born, healthy throughout its life.

So we do not argue, we do not say, "You're here illegally. Go back to where you came from." We say, "You're here illegally, and we're going to see that you get proper prenatal care. We're going to see you are immunized." That is one of the provisions we have made here.

So, if it is that important that we are going to pay for that person, then it seems to me likewise for the person who is here legally—without going through a lot of song and dance about the sponsorship or deeming or tracing that person down, making sure that sponsor pays for it—get it over with, give them the immunization.

I say, Mr. President, that this is not something new I am bringing up here. In two of these categories, as you note on this sheet here, that the managers of the legislation in committee or on the floor, or someplace, have agreed to, is the fact that the legal alien should indeed get two of these benefits.

What are they? Nutrition programs. We say the illegal alien is entitled to the nutrition programs. And we say the legal alien is likewise entitled. You do not have to go to your sponsor or get involved with this deeming business. You just get it. Nutrition programs. If a nutrition program is important, it seems to me an immunization program is just as important.

So, Mr. President, to me this is not any budget buster. This is very narrow. This is not your entitlement for all of Medicaid. It is very, very limited. I hope, Mr. President, that the managers of the bill will accept the amendment. I want to thank the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I will make a statement. But first, I inquire from the managers if we are making any progress on this legislation.

Mr. SIMPSON. Mr. President, after serving as this leader's assistant for some 10 years, I do know that he does desire to move things along rather adroitly. We are ready to do that.

Let me share with my respected leader where we are. No one has come over to debate on the Simpson-Kennedy amendment, so I think we are ready to proceed with that. I think we are nearly concluded with regard to the Graham amendment—I think maybe another 5 minutes or so. The DeWine amendment is an amendment about coerced abortion in China. I think it is out of order. Respectfully I say that. A point will lie toward that. I do not know if the Senator will be coming to address that. I think he will.

Then we have the Chafee amendment under a time agreement which is nearly expired. That is it. So I am sure that that is cheerful news for the leader. There is a point of order, too, I share with Senator DOLE.

Mr. DOLE. I think a point of order by Senator GRAHAM. So do the managers anticipate when we might be voting on some of these amendments? I know we have a conflict this afternoon. I know from 2 to 3 there is a ceremony honoring the Reverend Billy Graham. Then I think at 4:30—unless that is going to change.

Mr. CHAFEE. At 3:45 we go down.

Mr. DOLE. At 3:45, a number of our Members need to go to the White House. I guess my point is whether we can have all those votes between 3 and 3:45. There will be an effort to move that White House meeting to a later time, because I assume the managers would like to finish this bill, too, so we would not have to come back at 6 o'clock after the White House meeting and have votes to 7, 8, 9 o'clock. We are just trying to be helpful to the managers. I know you have done an outstanding job, and it has taken a great deal of time to move action on the bill.

Mr. SIMPSON. Mr. President, I thank the leader.

I think that would be an appropriate scenario. I hope that might be part of



a unanimous-consent request, with that time set, with a 15-minute first rollcall vote, and 10-minute votes thereafter. There will be four votes and a point of order, with a 1-minute explanation on each side of the three following votes, not the first one. We would be ready, I think, to propose that.

Mr. DOLE. Let me have drafted a consent agreement. I will show it to both Senator KENNEDY and Senator SIMPSON. Perhaps if we could somehow arrange to move the White House meeting 45 minutes, we could do all the votes between 3 and 4:30 and then move on to the next item of business.

Mr. CHAFEE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. DOLE. We are prepared to accept that.

Mr. CHAFEE. I am prepared to yield back the remainder of my time on this.

Mr. SIMPSON. I will just take another 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that we proceed to the Chafee amendment.

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

The pending business is the Chafee amendment.

Mr. SIMPSON. Mr. President, in this rather unique 2 minutes, I want to go back to the chart of Senator CHAFEE, if I may. I have been given this stick. I want to tell you in 2 minutes that these people here, under the category "legal immigrant," "no, no, no," that these people are taken care of. They receive emergency Medicaid, they receive prenatal postpartum Medicaid services, they receive short-term emergency disaster relief, public health assistance, and the sponsor is paying for them—not the taxpayer. These people are not deprived.

When we say how can they be receiving something that the illegal is receiving, they are receiving it, but we are not paying for it because the sponsor that agreed to bring them here and pay for them to not become a public charge is paying for them. The reason we do this for illegal immigrants is because we are a very generous nation. I have voted for all of that. I am not generous to somebody who brings someone here and says they will pay the whole tab and they do not.

Mr. CHAFEE. Mr. President, I ask unanimous consent for an additional minute.

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

Mr. CHAFEE. Mr. President, I want to stress once again that these are all emergency or health-oriented measures. Emergency Medicaid, prenatal Medicaid services, short-term disaster relief, nutrition programs, immunization. We do not want these legal aliens hesitating to apply for those because they are reluctant to go to their spon-

sor, because they are a long distance from their sponsor, because their problems might involve with just going to their sponsor to start with. We want them immunized. We want them to have prenatal care.

We will not spend a lot of time asking a lot of questions. We have decided as a nation, not just out of generosity, but for the rest of us who are here, that we want illegal aliens, immigrants, immunized so that we will not have a whole series of infectious diseases passed around. Certainly we ought to have the same requirement or hope that the same thing will apply to the legal aliens.

Mr. President, that is the argument. On the basis of fairness and the basis of public health protection, I hope we support the amendment.

Mr. SIMPSON. Mr. President, I think at this point we will say debate on this amendment is concluded and it will be voted on in accordance with the unanimous-consent request which will be propounded shortly. I thank the Senator from Rhode Island very much.

Mr. CHAFEE. May I ask the Chair, is now the time to ask for the yeas and nays?

Mr. SIMPSON. Perfectly appropriate. You require one person from the other party, if I am not mistaken.

The PRESIDING OFFICER. The Senator from Wyoming is correct.

Mr. SIMPSON. We do now have a Senator from the other side.

Mr. CHAFEE. 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.

AMENDMENT NO. 3759

Mr. SIMPSON. Mr. President, I direct my comments now to the amendment of Senator GRAHAM. I conclude in my remarks, I do not believe that the Federal Government is going to be a deadbeat dad in this situation. In fact, I am reminded of the old road sign, the picture of the very dapper-looking Uncle Sam that says, "He's your uncle, not your dad."

We are a very generous nation. Medicaid has been picked to bits by the States. Medicare has been picked to bits and will go bankrupt in the year—originally we were told 2002; now we are told it will be 2001; now the other day it will be 2000. We can talk about this all day and there will not be enough to do anything unless we deal with the entitlements programs. You will not want me to give that pitch again—deal with Social Security, deal with Medicare, Medicaid, Federal retirement. Nothing will get done. We can pick through these piles forever.

Then, of course, remember how this is happening. You are talking about legal immigrants. I did not see much activity on this floor to do much about legal immigrants. There will be a million of them next year and they will all be fitting right here, and nobody, at least the vast majority, decided to do

nothing with the flow of legal immigrants.

I hope that those colleagues who have already voted to keep legal immigration at its historically highest levels in the history of our country at least will know what is happening when we find the resources of this country, where they are and where they go, for legal immigration. But remember this: If the sponsor is unable to provide the support, loses his job, dies, whatever, the Federal Government will pay. The Federal Government is here to support those people—and it should.

I encourage my colleagues to read the bill. We provide an exception for indigent immigrants whose sponsors cannot be located. We have it in there. If you cannot find their address, cannot hunt them down, or if they refuse to pay, the Graham amendment—let us be clear what the amendment does—allows the States to exempt themselves from the new welfare restrictions and forces the U.S. taxpayers to pick up the tab.

I want to be perfectly clear here. CBO says that this bill, as modified by the Simpson-Dole amendment, does not have any unfunded mandates. There are no unfunded mandates in the Simpson amendment, which is the bill. There were unfunded mandates in the original legislation which underlies. So when the point of order comes, it will look strange to you because it will say that there was an unfunded mandate—and there was—but it is corrected when we get to the final product. We have already removed the unfunded mandate portion of those provisions. I think that should be made quite clear.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NICODEMUS NATIONAL HISTORIC SITE AND THE NEW BEDFORD NATIONAL HISTORIC LANDMARK

Mr. SIMPSON. Mr. President, I ask unanimous consent that the vote ordered with respect to S. 1720 be vitiated, and I now ask for its immediate consideration, that the bill be advanced to third reading, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

The bill (S. 1720) was read the third time, and passed, as follows:

S. 1720

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—NICODEMUS NATIONAL HISTORIC SITE

##### SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—