waste will travel through 43 States on transportation routes that bring the waste within one mile of over 50 million people.

Mr. President, I know the nuclear power industry is lobbying hard for this bill. I know there is a lot of pressure on Senators to support this legislation. I also know that the nuclear power industry has spread a massive amount of disinformation about the bill.

By any objective evaluation, this legislation is completely unnecessary. In fact, the Nuclear Waste Technical Review Board, a Federal agency created by the Nuclear Waste Policy Act, and comprised of the Nation's most respected scientists, said just 1 month ago that there is simply no need for an interim storage facility at this time.

This is not the first time the industry has cried wolf. In 1980, a supporter of the industry asserted:

> We are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage, another type of interim storage, and begin soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Of course, Mr. President, no U.S. reactors have closed due to lack of storage. Thirteen years have passed since the prediction that in 1983 there would result the closure of reactors.

Despite the crisis mentality created by the nuclear power industry, there is no nuclear reactor in America that will be forced to close down due to lack of storage. Every nuclear utility, if it so chooses, can take advantage of existing, NRC licensed, off the shelf dry cast storage systems to meet its spent fuel storage needs. Should the mobile Chernobyl bill come to the floor next week, I will have a lot more to say about the lack of any compelling need for this legislation.

There are, however, plenty of other reasons to oppose this bill. The bill preempts nearly every local, State, or Federal environmental protection. It creates a taxpayer liability of billions of dollars to solve the private industry's waste problem. It eliminates EPA authority to protect the health and public safety.

Mr. President, I do not know when the Senate may consider this bill. It is my hope that it never comes up. Nevertheless, I urge my colleagues to fully consider the many legitimate public health safety consequences raised by this legislation, particularly as they relate to their own constituents, and to oppose the mobile Chernobyl bill. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to speak in morning business for up to 10 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good morning.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1703 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good day. I thank the floor managers for allowing additional time in morning business.

Mr. SIMPSON. Mr. President, I believe we are at the order of business under the previous order.

The PRESIDING OFFICER. That is correct.

Mr. SIMPSON. Which is to go to the illegal immigration bill, is that correct?

The PRESIDING OFFICER. That is correct.

MEASURE PLACED ON THE CALENDAR—S. 1698

Mr. SIMPSON. Mr. President, I have business to do that has nothing to do with this bill before the Senate. I want everyone to be alert. No need to alert your staff that I am up to some giant caper.

I understand there are two bills due for their second reading.

The PRESIDING OFFICER. The clerk will read the first bill.

The legislative clerk read as follows:

> A bill (S. 1698), entitled the "Health Insurance Reform Act of 1996."

Mr. SIMPSON. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—H.R. 2937

The PRESIDING OFFICER. The clerk will read the second bill.

The legislative clerk read as follows:

> A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

Mr. SIMPSON. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair will announce that morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

> A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States, and so forth and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Simpson amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Simpson amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students.

Simpson amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Simpson amendment No. 3722 (to amendment No. 3669), in the nature of a substitute.

Simpson amendment No. 3723 (to amendment No. 3670), in the nature of a substitute.

Simpson amendment No. 3724 (to amendment No. 3671), in the nature of a substitute.

Simpson motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith.

Simpson amendment No. 3725 (to instructions of motion to recommit), to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Coverdell (for Dole/Coverdell) amendment No. 3737 (to Amendment No. 3725), to establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed.

AMENDMENT NO. 3739 TO AMENDMENT NO. 3725

(Purpose: To provide for temporary numerical limits on family-sponsored immigrant visas, a temporary priority-based system of allocating family-sponsored immigrant visas, and a temporary per-country limit—to apply for the 5 fiscal years after enactment of S. 1664)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk to amendment numbered 3725 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3739 to amendment No. 3725.

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

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

The amendment is as follows:

At the end of the amendment add the following:

SEC. . TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION, ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS, AND PER-COUNTRY LIMIT

(A) TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION.—Notwithstanding any other provision of law, the following provisions shall temporarily supersede the specified subsections of section 201 of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

(1) Section 201(b) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

"ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

"(1) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(2) Aliens who are admitted under section 207 or whose status is adjusted under section 209.

"(3) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad."

(2) Section 201(c) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

''WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 480,000.''

(b) TEMPORARY ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Notwithstanding any other provision of law, the following provision shall temporarily supersede section 203(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PRIORITIES FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

''(1) IMMEDIATE RELATIVES OF CITIZENS.—Qualified immigrants who are the immediate relatives of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c).

''(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the class specified in paragraph (1).

''(3) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters (but are not the children) of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) and (2).

''(4) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (3).

''(5) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) through (4).

''(6) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (5).''

(c) DEFINITION OF IMMEDIATE RELATIVES.—For purposes of subsection (b)(1), the term ''immediate relatives'' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of citizen's death but only if the spouse files a petition under section 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

(d) TEMPORARY PER-COUNTRY LIMIT.—Notwithstanding any other provision of law, the following provision shall temporarily supersede paragraphs (2) through of section 202(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

''PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—(A) The total number of immigrant visas made available in any fiscal year to natives of any single foreign state or dependent area under section 203(a), except aliens described in section 203(a)(1), and under section 203(b) may not exceed the difference (if any) between—

''(i) 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States; and

''(ii) the amount specified in subparagraph (B).

''(B) The amount specified in this subparagraph is the amount by which the total of the number of aliens described in section 203(a)(1) admitted in the prior year who are natives of such state or dependent area exceeded 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States.''

(e) TEMPORARY RULE FOR COUNTRIES AT CEILING.—Notwithstanding any other provision of law, the following provision shall temporarily supersede, during the first fiscal year beginning after the enactment of this Act and during the four subsequent fiscal years, the language of section 202(e) of the Immigration and Nationality Act which appears after ''in a manner so that'':

''visa numbers are made available first under section 203(a)(2), next under section 203(a)(3), next under section 203(a)(4), next under section 203(a)(5), next under section 203(a)(6), next under section 203(b)(1), next under section 203(b)(2), next under section 203(b)(3), next under section 203(b)(4), and next under section 203(b)(5).''

(f) TEMPORARY TREATMENT OF NEW APPLICATIONS.—Notwithstanding any other provision of law, the Attorney General may not, in any fiscal year beginning within five years of the enactment of this Act, accept any petition claiming that an alien is entitled to classification under paragraph (1), (2), (3), (4), (5), or (6) of section 203(a), as in effect pursuant to subsection (b) of this Act, if the number of visas provided for the class specified in such paragraph was less than 10,000 in the prior fiscal year.

Mr. SIMPSON. Mr. President, this is the first of two amendments that are in order this morning that will make the very modest and very temporary reduction in legal immigration to the United States. This first amendment deals with family immigration. The other amendment concerns employment-based immigration.

Under these amendments, legal immigration to the United States will, for 5 years, be held at a level of 10 percent below the current total of regular nonrefugee admissions. This does not have anything to do with refugees or asylees. Under the amendment I am proposing there will be immediate family numbers of 480,000—27,000 for diversity visas under a previous proposal we passed in 1990, with a reduction from the original 55,000 the House has accepted this figure of 27,000. Mr. President, 100,000 on employment-based visas. That is a total of 607,000 per year. That is the total of regular nonrefugee admissions under the amendment. Under current law it is 675,000. So, 607,000 under the amendment, a reduction of 68,000, a reduction of 10.1 percent.

The first amendment will also, during the 5-year breathing space, establish what is really a true-priority system for family immigration categories, giving visas first to the closest family members. I cannot tell you how many times I have heard in the last months, ''We should first take care of the family.'' That is exactly what this amendment does, giving visas first to the closest family members who are the most likely to live in the same household with a U.S. relative who petitions for them. Only if there are visas unused by these closest family members will the visas then go down or fall down to the next lower level priority family category and so on.

Under this amendment, all 480,000 family visas will be available first to the immediate relatives of U.S. citizens. I think everyone would want that. That is a spouse and minor children, the so-called nuclear family, plus parents. After this highest category and priority is established, the remaining visas will be available to the second-priority category.

Unlike current law, there will be no guaranteed minimum number for the lower priority category. That is what we established in 1990 with the so-called pierceable cap, that we had to do a certain amount for those in those categories.

According to the INS estimates, immediate relatives—and we do think we can rely on the INS estimates, but after yesterday it makes one wonder a bit if we can believe them in totality—but they are telling us that immediate relatives will range from 329,000 to 473,000 in the next 7 years with an average of about 384,000.

Under my proposal, if immediate relatives are admitted at that level in a particular year, there will be about 100,000 visa numbers available for the other family category. We are not shutting them out. The visas available after admission of immediate relatives of U.S. citizens will flow down to the second priority—that is the nuclear family of lawful permanent residents. In other words, going to their spouses and minor children.

We have 1.1 million people in America who are here under our laws and totally legal who are unable to bring to this country their spouses and minor children, while we continue to give visas to adult brothers and sisters. I hope that people will understand what we do here while we talk about spouses and family and the categories of family values and all those things. So they

will go to lawful permanent residents—in other words, as I say, spouses and minor children. Any visas that are not needed in that category will flow down to the third priority, which is then the unmarried adult sons and daughters of U.S. citizens, then to the fourth priority, this is married sons and daughters of U.S. citizens, then to the fifth priority, unmarried adult sons and daughters of permanent residents, and finally to the sixth and last priority, brothers and sisters of citizens.

Now, you have just heard something which sounds like Egyptian. Actually, it is English, but much in the INA, the Immigration and Nationality Act, is not in English. It is a most difficult system to understand for the layman because it then gets into situations where people can play upon it and use emotion, fear, guilt, and racism. They have done it magnificently in this instance—magnificently.

So, here we have a situation where the only ones that really strive in the present language of preference systems and the confusion in the INA are actually the immigration lawyers of America. They are very adept, I can promise you that and they have been very adept here, very, very adept.

Under my proposal, family admissions will continue to be 480,000 per year. That is the current level. No reduction. That is over the next 5 years. Remember, after the next 5 years, it spikes right back up. We are not doing anything 5 years out. Back to business.

So the INS estimates that family admissions under the committee bill for fiscal years 1997 through 2001 are 723,000, 689,000, 643,000, 620,000, 579,000, an average of 651,000, which is a substantial increase over the current level.

I want to be very clear about these numbers. Immigration will not be reduced under the committee bill. If anyone in this country or this Chamber is interested in reducing legal immigration, which 70 percent of the American people say they favor, it will not be under the committee bill that is at the desk.

Let us be absolutely clear of another thing. I am not here to recombine anything. I have not combined or recombined anything. I am not here to join or link. I am here to do a single amendment, which was the work product of the Barbara Jordan commission. That is my mission—to see that the American people deal with an issue that has been dealt with now for 20 years, which was the Select Commission on Immigration and Refugee Policy, and the Jordan Commission. And to completely ignore the work of that remarkable woman is something that I was not going to see happen. So there will be two amendments by the Senator from Wyoming—one on legal immigration and a very short one on employer-based immigration—and that is it.

So whatever has been expressed to the colleagues about this ''sinister'' effort of recombining—I have never understood the meaning of it, actually. It has always been together. We have dealt with it together in all the 18 years I have been dealing with it. Sometimes we would divide it for certain purposes. Sometimes we would not divide it. But always, it was very clear.

So under the committee bill there is no reduction on legal immigration. It will increase under the Kennedy-Abraham amendment, which the committee agreed to by a rollcall vote. Immigration will increase at a very slightly lesser rate than under current law. I hope you can hear that. It will increase at a very slightly lesser rate than under current law. But it will increase substantially. There will be no reduction for at least the next 10 years.

Now, blend into that what happened with the figures that were given to us by the INS. We are now confronted with news reports and information that we have a 41-percent increase. Here is the morning line—and not at the track, but the Washington AP. ''New projections anticipating a whopping 41 percent increase in legal immigration to the United States this year are bound to heat up debate as the Senate considers its immigration bill.''

I think it will heat up the debate because you are going to have to go home and tell people that you sat by and watched legal immigration go up 41 percent. The Immigration and Naturalization Service's projections of a boom this year follow a 10.4-percent decline in lawful immigration last year. My good colleague from Texas—and how I admire LAMAR SMITH and his ranking member, too—said, ''We have all been duped. I take this as an intentional misrepresentation to the public, and, to Congress. It is inexcusable.''

The interesting thing about that is it came about the day we were debating this bill in the Senate with regard to the committee action. At that time at the press conference, which in essence was very clear, it was said simply that you do not need to do anything about legal immigration because we are doing it already. You can count on us. We know you are interested in it. The President is interested in it. The President is interested in the Barbara Jordan commission report. And I hope you can understand that, too.

This is not a partisan issue. Anyone, at the end of this debate, who says that somehow this is going to be the destruction of the Republican Party must find new work somewhere. This is not about the destruction of the Republican Party. You are going to see votes today that will make you scratch your head until you have less hair than I have. You will say, ''I never dreamed that I would be voting on that issue with that person.'' So join the fun. You will find it to be so.

Here we are trying to do something with illegal immigration. Let me tell you, we are going to do something with illegal immigration. I mean, we are really going to do something with illegal immigration. We will have these two amendments, and we will not be splitting or blending or pureeing anything—nothing. But we will be dealing with something that is not the concoction of the Senator from Wyoming but is the work product of the Jordan Commission on Immigration Reform, consisting of a remarkable group of Democrats and Republicans.

So there we are with some figures which certainly concern all of us, who are trying to use honest numbers as we deal with a very complex issue. I think that does taint the previous debate.

But during the 5-year breathing space created by my amendment, visa applications will not be accepted for any priority category if fewer than 10,000 visas were provided for that category in the prior year. That provision is intended to avoid any further build-up in the backlog.

There are more than 3.7 million persons on the family waiting list today, and 1.7 million are in the brother and sister category alone. Now, those long waiting lists, those backlogs, in some cases, arrive and result in a wait of over 20 years for a visa. It is believed by some experts to encourage illegal immigration. Why would it not? Because a person on the waiting list that is told they are going to have to wait 12, 14, 16 years is going to come here illegally. They are not going to wait because somebody has petitioned for them. That person is here, and they are going to say, ''Why should I wait? I am going to go and join them because I love them and I want to be with them.'' Does anybody believe that is not happening? So they live illegally in the United States while waiting for their name to come up.

In the second amendment—I will address that briefly, and I have a brief chart, and then we can get on with the debate—the employment-based visa limit will be reduced to 100,000, which is still well above the number of visas now being actually used for employment-based immigration. The employment visas will continue to be allocated under the preference system in current law.

We will look, also, at the issue of unskilled numbers, which we took care of in the committee bill, on legal immigration, which is not before you today, but is at the desk, and which is not to be incorporated into it by an amendment by me or anyone else. There are a lot of things in that legal immigration bill. When we are through with this caper here, whether it goes or does not go, we might deal with that, since that passed the Judiciary Committee by a vote of 13 to 4. I would think that might well be addressed by us at some future time, with appropriate unanimous-consent agreements, or whatever may be, so there would not be too much chicanery involved.

The committee bill reduced diversity visas from 55,000 to 27,000. My amendment retains the committee provision of the 27,000 diversity visas. At the end of 5 years, under these amendments,

the temporary reduction will end and terminate, and the immigration numbers and the priority system will automatically return to current law.

You say, ''Well, what is the purpose of that? You are going to lower it 10.1 percent for 5 years, and at the end of 5 years, it is going to go right back where it was—same heavy numbers.'' That is right. That will give the Congress an opportunity to look at where we are going, because, obviously, people are not paying attention to where we are going, and we watch these continual frustrations arise and finally come to a volcanic ferocity like proposition 187.

If anybody believes that you do not deal with this issue and pretend that there will not be more of those in every State in the United States, we are all somewhat remiss.

If the Congress does not pass a bill that includes a reduction in immigration, then our refusal to address the very real and very reasonable concerns of our constituents will contribute even more to the general cynicism about Congress and our detachment to what the people who elected us think.

Mr. President, this is not merely a problem of how Congress is perceived, of our reputation, because, if we ignore what the people think and feel, we are not likely to legislate in ways that have a favorable real-world, commonsense impact on the people's lives.

It is very interesting. As I look at the material circulated by those who do not concur with my view, there are, remarkably, only two or three things outlined in there. The one that is most interesting is that it will shut out nearly 2 million relatives of U.S. citizens—relatives of voters. Get the word underlined ''voters.'' Let me tell you, ladies and gentleman, there are a lot more voters out there who want to do something with illegal immigration than voters who want to protect a certain group in society. If you are missing what voters do here, do not miss that one. I can promise you that is the way that is.

So I do not see any other way to be sure we are reforming immigration policy in a way that will actually make the American people better off as they themselves judge to be better off than to try to find out the extent to which they actually like and embrace what is happening.

As I noted earlier, I proposed a very modest reduction—only 10 percent for the next 5 years. But this would be in sharp contrast to the substantial increase that would otherwise occur during this period under either the committee bill or current law.

This first amendment will provide a true preference in the granting of visas to those family members most likely to live with their relatives in the United States. That is what people say they want. We want the nuclear family. We want the numbers to go to the nuclear family. It will do that. It will assure that that occurs. It will reduce the availability of visas for relatives who are likely to have their own separate households. That is the source of so much of the phenomenon of chain migration.

Let me conclude my remarks by showing you, since we seem to be so enamored of charts—especially charts which I think have some devious value that I have noticed in the past months—but since we like charts, then you are going to be fascinated with this one.

Here is what is happening in our country with regard to legal immigration. I am not talking about illegal immigration. This is a hypothetical illustration of chain migration which I have been speaking about now for about a year. This is what the Jordan Commission was speaking about for much longer than that—chain migration through the family preference system for two generations of parents and their children. Here the process begins when the immigrant arrives. The immigrant arrives with a spouse and a child. All of them become citizens after 5 years—father, mother, child. These people are immediate relatives, and they come without ''number.'' Under my legislation, there would be a cap at 480,000, which has never been achieved as yet.

So then this person, the father, has brothers who wish to come, one of whom is married. They then immigrate as siblings of a citizen. This person has siblings who are married. She also has a widowed mother. They petition to come to the United States when she becomes a citizen. So when a spouse becomes a citizen, he petitions for his siblings who are married who wish to come.

From this branch we go here to a spouse petitioning for her parents. Now go back to the man, the husband. His mother immigrates after she becomes a widow.

Go then to this spouse. Her parents immigrate as immediate relatives of a U.S. citizen. That is very valid. She has married siblings who wish to immigrate. They immigrate as adult children of U.S. citizens after the parents naturalize.

Go on up from that. Their spouses have siblings who wish to come, some of whom are married.

This is all under the current preference system—two generations. They ultimately petition to immigrate as siblings of citizens. When some of these immigrants naturalize, they petition for their parents.

But here is the one you want to watch if you are talking about family and bloodlines, this kind of thing that has a good ring. Right here, I am going to circle the people who have no blood relationship with the original petitioner—none, no blood relationship. They are not uncles, aunts, nieces, nephews, married brothers, sisters, unmarried. This person is not is not related by blood. This person is not related by blood. This person is not related. This person, nor this person is related by blood to this petitioner. This person is not related by blood. This one, this one, this one—all of them not related by blood to the petitioner. These two persons are not related by blood to the petitioner. We hear this about the immediate family, family, brothers, sisters, on and on.

This one is not related by blood. This one, nor this one not related by blood. These two are. This one is. These here—this person is not related by blood. This one, this one, nor this one. None of these are related by blood. Not one of these are related by blood. Not one, not a single one, and down here two are not related by blood. These two are.

You are wondering what is happening? If that is not as graphic as I can give it to you, I do not know how it can be presented any more clearly.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. SIMPSON. You are going to hear the story about joining the family, keeping the family together, and all of this. I think it is important to see what happens with the phenomenon of chain migration.

Yes, I will yield for a question.

Mr. SIMON. How long does it take this to take place?

Mr. SIMPSON. It is clear here—two generations; about 45 years; two generations. This is it. That is happening now.

But you ought to remember what we did. We did legalization. The Senator from Illinois was part of that. I always appreciated his remarkable interest in that. We then ''legalized'' people who were here illegally living in a subculture of America. That was in 1986. Then there was a temporary period. Those people have now begun a full range of petitioning. They are U.S. citizens. They are filing, and they are filing under the present system. They are big numbers down the road. But we also have big numbers on the road right now, according to the INS, where they short-informed us, or short-sheeted us by 100,000 to 150,000 in number this year.

So when I get up—and I have a tendency to rant lightly from time to time. But when I say what we are trying to do is eliminate the issue of persons bringing in 30, 40, 50, 60, the all-time record was 83 persons on a single petition, that is what we are trying to do.

So, if we are going to continue to talk about family and treating those fairly who are here and those who play by the rules—I understand that and all of those things—then this is where we are. Even the most ardent proimmigration advocates cannot with credibility oppose legislation to control illegal immigration. That will not happen. But this, at least for me, is a presentation of where we are in this country, and we will just see where the amendment goes.

If it is gone, it is gone. But I do not intend to come this far in the immigration debate in the United States and

not deal with something that the Jordan Commission report felt was very much a concern. Others have different views. But if you are talking about reducing immigration, you cannot just talk about illegal immigration.

The reason I am talking about it here so I will not hear about combining and pureeing and splitting again is—and you must hear this—half of the people in the United States who are illegal came here legally. Over half of the people in the United States who are here illegally came legally. So how in God's name do you pretend that you can separate the issue? You cannot separate the issue. They came here on tourist visas and they came here on student visas or they came here on any kind of legal visa. They went out of status. They went into the communities. They went with their relatives, and they are here.

That is the way it works. The length of time—and I will throw it open—the length of time for chain migration, I say to my friend from Illinois, does not change the effect. It displaces the entry of spouses and unmarried minor children. If you continue this ritual—and it is already at 1.1 million. Remember, 1.1 million permanent resident aliens cannot bring their spouses and minor children because the numbers are going here, to someone who is not part of the blood line, not part of the ''immediate family'', and that is what is happening.

And the mystery—that this is something that is anti-American, we are doing something to those who play by the rules—is extraordinary.

But there are some players out in the land, not in this Chamber—I have had the greatest and richest regard for Senator ABRAHAM and Senator DEWINE and Senator FEINGOLD. They are doing yeoman work on the position they feel very strongly about. But there are some groups in the United States that are doing yeoman distortion, groups that send out stuff like this.

Oh, I love this one. You must see this one. This is big Grover Nordquist. He is really a dazzler. We hope Grover will come into the Chamber with us on this ghastly exercise. This is the Simpson-Smith bar code tattoo, compliments of Uncle Grover, who is getting paid 10,000 bucks a month by Mr. Gates of Microsoft to mess up the issue. And he has done a magnificent job of messing up the issue and should for 10,000 bucks a month. I think he should be very active.

So here is Grover. This is the Lamar Smith-Simpson tattoo. This is on illegal immigration.

How to do your tattoo.
Clean skin with alcohol pad.
Place tattoo ink side down on skin.
Dab with pad until design shows thru.
Lift paper off while still wet.
Dust design with baby powder for longer wear. Stays for days.
Remove instantly with alcohol or oil.

That is Uncle Grover's little caper, and for 10,000 bucks a month you can afford to do a lot of those, which they have. They are in a deceptively difficult looking packet, I will admit that. I will not go into that.

Well, now, there we are. The situation on this chart is a hypothetical situation. It says right here, so that you do not be deceived: ''Hypothetical illustration * * * chain migration through the family preference system for two generations.'' No tricks. It is what can and frequently does occur as a result of our current preference system. And my proposal will change that temporarily—and horribly—for 5 years so that we can stop the action, stop the carousel, let everybody get on and get off, and in 5 years decide what we are going to do. If we do nothing, the spike goes right back into existence.

I will yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We start off on our second day, really the third day on the issue of illegal immigration, and we want to be able to move through this process. We went through yesterday with a rather peculiar procedure by which individuals were denied recognition if they were going to deal with any issue that was not going to be relevant to the matter at hand.

Generally, we have to invoke cloture to follow that procedure. That is a time-honored process for this body. And so we circumvented that time-honored process, and the only matters that we could vote on would be those that were going to be understood or cleared beforehand not to include, for example, the minimum wage. So even if you stood on your feet, prior recognition and the way that the proposals are at the desk virtually excluded that possibility.

As I mentioned last evening, and I wish to mention to all of those who will be involved in the course of the day, just as the minority leader mentioned, that issue is still of currency, perhaps more so today, after the statements that have been made by Mr. GINGRICH and Mr. ARMEY that there will not be any vote on the minimum wage in the House of Representatives this year.

The idea that there has somehow been some willingness to try to work the process, to try and find some common ground, compromise on this received its answer yesterday with the clear statement of Mr. GINGRICH and Mr. ARMEY that there will not be a vote in the House of Representatives.

That does not surprise us because that has been their position for some period of time, although as recently as 2 days ago Mr. ARMEY thought they might be willing to consider the effective elimination of the earned-income tax credit that reaches out and provides help and assistance to children and workers at the lower levels of the economic ladder, and that some new entitlement that would be administered by the Internal Revenue Code would be set up by which the taxpayer would subsidize a number of the industries that hire $4.25-an-hour Americans, that would be costly to the taxpayers. It would be an entitlement program, a new entitlement program with new bureaucracy, I think completely unworkable, as a way of helping and assisting the industries which are employing the minimum wage worker.

Mr. President, I make this point now and then I will move toward the issue at hand, that we are still intent upon offering this amendment. We have an opportunity to offer it. We will during the course of this day and every day. So we want to just make sure that our friends and colleagues are aware of that. That is our intention. I am quite confident that sometime in the very near future we will have the opportunity to do so.

The bottom line is our Republican friends honor work. They say they honor work. They want to encourage Americans to work, and yet they refuse to provide them a living wage so that they can receive a just compensation to keep them out of poverty. That is the issue. That is the issue. No matter how you slice it, that is the issue.

That issue is a matter of fundamental justice and fairness in our society, and the fundamental issue of justice and fairness will not go away.

I see a number of our colleagues on the floor who wish to address this issue, but I want to try to put this whole issue into some perspective. The question that is before the Senate deals with illegal immigration. That is the matter of greatest concern. These are individuals who violate the laws, effectively take American jobs, come here unskilled and, in many instances, take scarce taxpayer dollars to support their various activities in this country. That is an entirely different profile from those who are legal immigrants.

We will have an opportunity to debate that issue when we address the legal immigration. But I can tell you, the studies that have been done about what happens with legal immigration demonstrate these are hard-working people, overwhelmingly successful. They are contributors to our society. We ought to be debating today illegal immigration.

The issues of families go to the core of legal immigration. The basic concept, in terms of what immigration policy has been about since the McCarran-Walters Immigration Act is, No. 1, the reunification of families. The reunification of families—that has been No. 1. It has only been in recent years that we have talked about the issues of bringing in special skills.

I still support the special skills that will enhance American employment. To me, it makes sense. I think, when we have the opportunity to talk about legal immigration we will find there is a difference here between the very special skilled and others who are coming in, but that is the heart of legal immigration.

It is illegal immigration here, which is burdening many of our States, eight States that have the 85 percent of the illegal immigration, taking American jobs. In too many instances, they are individuals whose lives have been complicated by crime and violence. That is the major concern. In order to address that issue, we ought to focus on that issue and just that issue today.

If we are going to get off on the legal immigration, which this amendment is all about—because what we are talking about are total numbers, the numbers we are going to be seeing here. We will have a good opportunity to talk about that during the time we have legal immigration. Some of the provisions that were on the Simpson amendment about reducing the numbers of skilled workers and the diversity issues may have some appeal at some time, but not as a part of this particular legislation. I urge my colleagues to reject the Simpson proposal.

Senator SIMPSON talks about who is closer to the Jordan Commission. The fact of the matter was, when Senator ABRAHAM and I offered the amendment in the Judiciary Committee, we were closer to the Jordan numbers than the author of this amendment. We were closer.

One of the important points my friend from Wyoming left out in his presentation was the fact that the Jordan Commission said we ought to address the backlog of children and loved ones, members of the family who have been trying to be reunited with their families—permanent resident aliens.

She suggested we have some kind of process and procedure to permit those families to be reunified. But not this proposal—absolutely not this proposal. This proposal effectively excludes and cuts out all of those. But this proposal would go even further. It would say, if you are a permanent resident alien and you have a son, that individual might not come here to the United States for 5 more years; let alone the hundreds of thousands of people who have been playing by the rules, who have signed up, their relatives signed up to be able to take their turn to come to the United States, to be reunified with their family—they are off the charts.

Now you have a new group. I am interested about that red pen going around those individuals. What about, do I care less about my son's wife than I do about my son? We will have an opportunity to talk. We are talking about real people, real people who are going to be affected, and real families. It is not just the ones who are under that roof. The nuclear family you talk about includes the brothers and the sisters and the fathers and the children of those families.

With all respect to my colleague, talking about chain migration, it is a problem, but it is not the problem that has been described here on the floor of the U.S. Senate.

If you look back at the GAO report on chain migration—and we address the issue of chain migration in the Abraham amendment. We are committed to addressing it when we have the legal immigration issues. But one other important fact that has been missing is that we here in the U.S. Senate passed one bill in 1986 and another one in 1990, one to deal with illegal, one to deal with legal. We had two separate commissions, under Father Hesburgh, one to deal with legal, one to deal with illegal, and that is the way we have proceeded.

The Jordan Commission had one report for legal and another for illegal. Interesting. Why? Because she understood, and the commission understood, that you should keep those issues separate. That is what we are doing here on the floor of the U.S. Senate.

Let us debate the issues on illegal and then debate the issues on legal. Barbara Jordan recommended it. Barbara Jordan suggested it. Barbara Jordan suggested we deal with the backlog of family members, but that has not been included in the amendment of the Senator from Wyoming.

On the issues of chain migration, which we address in our amendment and which we will continue to address, we have to put this in some proportion. Senator SIMPSON solves it, all right, but is hitting a tack with a sledgehammer. How much of a problem is this?

Here is the GAO: ''64 percent of petitioners who were exempt-immediate-relative immigrants * * * were native-born United States citizens. Among the remaining 36 percent of petitioners who were once immigrants, the average time between their arrival and the arrival of their exempt-immediate-relatives was about 12 years.'' Twelve years. The way this was presented is they come in the morning and they bring everybody else in in the afternoon—12 years.

Let us look at how much of a problem this really is. ''Only about 10 percent of former immigrant petitioners were admitted under the numerically restricted fifth preference category, brothers and sisters.'' Ten percent, total numbers, 12 years. We ought to address it. We did address it in our program. We will address it when we have the opportunity to deal with the legal immigration.

This amendment, as I mentioned, is basically about families. It is important that we not lose sight of that particular issue. What this amendment does to American families is exactly why we should separate legal and illegal. The key difference between the proposals of Senator SIMPSON and what Senator ABRAHAM and I propose in the committee is that Senator SIMPSON's amendment does not allow for fluctuation in family immigration.

We have heard about the changes that have taken place as a result of the 1986 act, where we provided a period of amnesty in order to clear up the problems with illegal that we had in this country at that time, and then we put in the employer sanctions provisions to try to start with a clean slate.

Now, what we have here in the United States as a result of that amnesty of 1986, we have some bump because of that one particular action. That will mean, over the next 5 years, some increase beyond what we expected and beyond what was testified to by Doris Meissner, although Doris Meissner did indicate, in September of last year, that there would be further naturalizations and was unable to detect exactly at that time what that increase might be. As a matter of fact, Barbara Jordan did not know what that increase would be. Barbara Jordan had the same figures that Senator ABRAHAM and I had, and others had, in terms of this. Those are the same thing.

She had a staff of experts that have complete access to all of these studies and figures, and she basically had the same kind of figures that all of us had when we were dealing with this issue in the Judiciary Committee. Now we have the blip that will come for the period of the next 5 years, and we will offer the amendments at the time we get to legal immigration. We do not have that opportunity now. I thought we were going to do just the illegal immigration, but now we have the legal immigration issues, in terms of family, that we are faced with.

So we have been operating in good faith. We are committed to act responsibly with a reduction that also respects the members and children of the families, in a very limited program, in terms of the reunification of brothers and sisters.

Mr. President, I want to point out a few other items. I see others are on the floor who want to address this issue. The effect of this program on families will be in 1997 a 33-percent reduction below the current law; in 1998, 28 percent; 23 percent in 1999; 18 in the year 2000; 12 percent in the year 2001.

It basically will say that adult children of American citizens will get no numbers for the next 5 years—of American citizens, adult children will get none.

Let me give you what this has meant in terms of some of those in my own State. This means someone who immigrates to the United States while his daughter is still studying abroad, marries an American, becomes a citizen in 3 years and then wants his daughter with him once she finishes college abroad, and he cannot bring her here.

That means the Bosnian refugee I met in Boston who left his adult children behind because of the conflict in Bosnia could not bring them here once he becomes a citizen. It says to brothers and sisters of citizens that you will effectively be zeroed out. It says, ''Take a hike,'' to those Americans who paid money to the Government to get their brothers and sisters here and have been waiting patiently for years.

Under the Abraham-Kennedy proposal, we at least try to reduce part of the current backlog; not all of it, but

part of it. For some Americans, a brother or sister is all they have. There is a Cambodian woman in Lowell, MA, who thought her entire family was wiped out by Pol Pot's terror. She then found out she had a sister who survived. That is her only family left, and she wants her sister with her in America, but this amendment says no brothers or sisters for the next 5 years.

The other evening, we adopted a proposal by Senator CONRAD for doctors to come to medically underserved areas. It was unanimously accepted here. Last week, we accepted 20 foreign doctors per State to go into underserved areas. This amendment says they cannot bring their children and they will not have their adult children here or brothers or sisters. They just cannot do it, and it ignores the big priority the Jordan commission gave to reducing the backlog of spouses and children of permanent residents.

Mr. President, I believe the final point I want to make is we have to look at what is happening in the House of Representatives. The House Judiciary Committee bill capped families at 330,000, and the conferees will be itching to make the cuts in this category. We are going to see significant reductions on whatever we do over here based upon what is happening over in the House. The U.S. Senate should not fall into that kind of a situation.

We are saying that we want your skills and ingenuity, but leave your brothers and sisters behind. We want your commitment to freedom and democracy, but not your mother. We want you to help rebuild our inner cities and cure our diseases, but we do not want your grandchildren to be at your knee. We want your family values but not your families.

Mr. President, this amendment should not be on this bill. We should have an opportunity to debate these issues when legal immigration comes up, and I hope the amendment will not be accepted.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I hope by the tenor of this debate this morning that further amendments are not being closed out. I would be very upset and very concerned if they are, coming from a State that handles 40 percent of the immigration load, whether it be illegal or legal, in the United States and 40 to 50 percent of the refugees and 40 to 50 percent of the asylees in the United States of America. It would seem to me that the voices of the two Senators from California and amendments that they might produce in this area are worthy of consideration by this body. If I judge the tenor of the debate, it will be to close out other amendments, and I very much hope and wish that that will not be the case.

In any event, I am going to take this time now to explain what I have in mind and to explain that I would like to send a compromise amendment to the desk. This compromise amendment is between the Kennedy proposal and the Simpson proposal.

The debate has been changed. I appreciate what the distinguished Senator from Massachusetts said, that this debate is not about legal immigration. But the fact of the matter is that we have received in committee incorrect numbers on legal immigration, and those numbers are so dramatically different from the fact of what is actually happening, we learned from the press, that it does, by its own weight, changes the debate.

When we hear in committee—and I serve on the Judiciary Committee and on the Immigration Subcommittee—that legal immigration numbers have been going down and will continue to go down—and that has been the testimony—and then yesterday I read press that says, ''Immigration Numbers to Surge,'' and from one of the most distinguished journalists, Marcus Stern of the San Diego Union Tribune: ''Border Surprise, Outcry Greets INS Projection of Soaring Legal Immigration,'' and when the Department's own numbers indicate that immigration in fiscal year 1995 was 1.1 million and in fiscal year 1996 will be very close to that 1 million mark, what we thought we were dealing with in the vicinity of 500,000 or 600,000 is clearly not the reality.

Now, reports are one thing, numbers are another. Numbers affect classroom size, they affect housing markets in States that have major impact from legal immigration. California is on a tier of its own in this regard.

So I am very hopeful that this body will not make it impossible for the Senators from California to put forward a compromise proposal. I am having copies of that proposal at this time placed on the desk of every Member of this House.

Essentially, what the proposal would do is control increases in total family numbers and control chain migration. We would allow reasonable limits in family immigration totals for the next 5 years by placing a hard cap at the current law total of 480,000, without completely closing out adult-children-of-citizen categories and providing for the clearance of backlogs without creating chain migration.

Every Member will shortly have a chart which will show the difference between the Feinstein proposal with the hard cap of 480,000 and the Simpson amendment with a hard cap of 480,000 and no backlog reduction.

Also distributed to you will be a chart which will show current law. We now know that although current law is 480,000, it is going to be close to 1 million. The Kennedy proposal of 450,000, which is in the bill, with increases in the immediate family with an anticipated additional increase of 150,000—the Kennedy proposal numbers will be close to 1 million. It will be a major increase in legal immigration, if one is to believe the figures that INS has just put out.

We will also distribute to each Member the new figures of the Immigration and Naturalization Service. Under current law, INS projected 1,100,000 family immigration last year; and what they say will be in fiscal year 1996, is 934,000, similar to the figures under the Kennedy proposal which is now in the bill.

I voted for the Kennedy proposal in committee. I did so with the assurance that the numbers were not going to be increased. The first time I knew that was not the case was when I saw a New York Times article saying that in fact these numbers swelled legal immigration totals. And then of course yesterday we saw that the numbers were off as given to us by INS by 41 percent.

Current law has increased the numbers, due to the naturalization of 2.5 million people whom are legalized under IRCA. The spouse and minor children of citizens is going to increase for the next 4 years, increasing an anticipated average of between 300,000 and 370,000 or more per year for the next 4 years. I would suspect that even these numbers are going to be higher.

Under current law the spouse and minor children of citizens are unlimited. The family total of 480,000 is a pierceable cap, which means the additional increases in this category due to IRCA legalization, pierces the cap and increases family immigration numbers over the 964,000 in fiscal year 1996.

So that number, even the projected numbers, are going to be low. Also under current law, another source of increase in family numbers is the spillover from unused visas in the employment base category. In fiscal year 1995, 140,000 visas were available and only 85,000 were used. This means 55,000 spilled over to the family category.

What my compromise amendment does, what the Feinstein amendment would do, is stop the pierceable cap, place a hard cap on the 480,000 that are theoretically allowable today. That is the current law, but without the anticipated increases, because the hard cap would stop that. It would also stop the spillover from the unused employment visas, the loophole in the current system that no one talks about.

Fairness, I believe, dictates that we do not close out the preference categories. Let me tell you why. I think Senator ABRAHAM and others, Senator FEINGOLD, understands this. Under our present system, if you close out the family preferences, there is no other way for these members of families to come to this country—no other way—not in the diversity quotas, no other way. So if you close them out, you foreclose their chances of ever coming to this country. And they are on a long waiting list now. So I think the fair way to do it is to place a hard cap on the numbers and then allocate numbers within each of the preference categories.

So I do that. I do not close out the preference categories. I would have

parents and adult children guaranteed to receive visas every year, remaining consistent with the goal of family reunification.

I would allocate visa numbers on a sliding scale basis for parents and adult children of citizens, allowing for increases in visas when the numbers fall within the unlimited immediate family category. However, they must always remain within that 480,000 hard cap.

I would allow the backlog clearance of spouses, minor children of permanent residents by allowing 75 percent, with any visas left over within the family total to be allocated to this category's backlog clearance.

I would also control chain migration, where one person ends up bringing in 45 or 40 other people, often not blood relatives. Commissioner Doris Meissner has told me that what permits chain migration is the siblings of the citizen category. I would place a moratorium for the next 5 years on this category. However, if there are any visas left over within the hard cap of 480,000 our family amendment allows 25 percent of the leftover to be used for backlog clearance of siblings, those who have been waiting for many years.

The problem with the Simpson amendment is that in its operation it would provide no visas for adult children of citizens. It would provide no guarantee of visas for children of citizens. All the numbers left over from Simpson's hard cap family numbers go to spouses and minor children of permanent residents, where the 1.1 million backlog remains. This means no one else who has been waiting to reunite with their children will be able to do so in the next 5 years.

The Simpson amendment provides no backlog reduction plan. The amendment is a simple, straight spillover, giving preference to permanent residents over U.S. citizens' families.

The problem with the Abraham-Kennedy provision, which is currently in the bill, is that there is no cap on the numbers. With an anticipated 2.5 million IRCA legalized aliens expected to naturalize in the next 5 years, the unlimited family numbers would result in a family immigration total of 1 million a year.

Recognize, 500,000 of these people are going to go to California a year. We do not have enough room in our schools. We have elementary schools with 2,500, 3,000 students in them, in critical areas where these legal immigrants go. There is no available housing. There is a shortage of jobs. So why would we do this, if the numbers are swollen 41 percent over what we were told when we considered this bill in committee?

The Kennedy-Abraham amendment also has a spillover provision from unused employment-based immigration visas. The current limit is 140,000. The actual use in 1995 was only 85,000, which means in addition to the increasing numbers in family immigration, there would be an additional 55,000 visas totaling up to 1 million in family immigration in 1996.

Third, the Kennedy-Abraham amendment increase chain migration by guaranteeing 50,000 visas for siblings of citizens in the next 5 years, which increases to 75,000 per year for the subsequent 5 years. INS Commissioner Doris Meissner has confirmed that the chain migration comes from the siblings category. Under Kennedy-Abraham, the bill would allocate 50,000 to 75,000 for siblings, more numbers in certain years than current law which allows 65,000 per year.

I believe that the Feinstein amendment is a reasoned balance between Simpson and the Abraham-Kennedy provision. It places a hard cap on the current level of 480,000 family total per year. It closes the loophole where the unused employment-based visas spills over to the family immigration numbers.

Third, it guarantees that close family members of citizens get visas each year with flexible limits, allowing increases in allocation of visas with decreases in the immediate family categories, which INS anticipates will flatten out in about 5 years.

The Feinstein amendment is about fair allocation of scarce visa numbers to protect reunification of close family members of citizens, while controlling the daunting increases in family immigration due to the increase in naturalization rates for the next 5 years.

Every member, Mr. President, has three pages. The first page would have current law, Feinstein and Kennedy; the second page, Feinstein and Simpson in the numbers in each of the categories. I can only plead with the chairman of the Immigration Subcommittee to please give me an opportunity to send this amendment to the desk so that the Senators, at least of the largest State in the Union affected the most by immigration, would have an opportunity to vote on it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I begin by clarifying a point here. I believe we are on the Simpson amendment here to the illegal immigration bill. References made by the Senator from California to the Abraham-Kennedy amendments being in this bill are not accurate. There is no provision related to the Abraham-Kennedy amendment in this bill because this is the illegal immigration bill we are dealing with.

The legal immigration bill, which we also passed in the Judiciary Committee, is at the desk and can be brought to the floor of the Senate. I believe and hope it will be brought to the floor of the Senate for discussions of the matters that pertain to legal immigration, including debate over how the allocation of visas ought to be made.

I am going to speak right now about the amendment that is pending, the effort by the Senator from Wyoming, the Simpson amendment, to inject legal immigration issues into this illegal immigration bill.

Mr. President, I have only been involved with this issue during my brief tenure in the Senate. I am very deferential to the Senator from Wyoming, who has worked on this issue for 17 years. I applaud his efforts. My efforts, which have been with a slightly different philosophical approach, are not meant to in any way suggest that what he has done has not been based upon sound thinking on his part.

However, I say from the outset, he indicated there were a lot of funny things that came up during immigration, a lot of intriguing twists and turns. I agree with him completely. The one thing that I learned more than anything else during our experience in the committee was the very real need to keep illegal and legal immigration issues separate rather than joining them together.

I also learned it was imperative that in discussing whether it was the illegal immigration issues or the legal immigration issues, they be done in a total and comprehensive way. Indeed, our committee deliberations on this lasted almost a full month, Mr. President.

That is why I think it is important that we continue the pattern which was set in that committee of dealing with illegal immigration issues in one context, the bill before us, and reserving the legal immigration issues, issues of how many visas are going to be provided, how those visas will be allocated, and so on, the legal immigration bill, which is also at the desk. It is wrong to mix these two.

As a very threshold matter in this whole debate about immigration, Senators should understand the very real differences between the two. Illegal immigration reform legislation, the legislation before the Senate right now, aims to crack down on people who break the rules, people who violate the laws, people who seek to come to this country without having proper documentation to take advantage of the benefits of America, people who overstay their visas once they have come here, in order to take advantage of this country. That is what this bill is all about. It does an extraordinarily good job of dealing with the problems surrounding illegal immigration. It is a testament, in no small measure, of the Senator from Wyoming's long-time efforts that such a fine bill has been crafted.

But there is a very big difference between dealing with folks who break the rules and break the laws and seek to come to this country for exploitative reasons, and dealing with people who want to come to this country in a positive and constructive way to make a contribution, to play by the rules, and, frankly, Mr. President, to make a great, great addition to our American family. It is wrong to mix these.

It would be equally wrong to mix Food and Drug Administration reform with a crackdown on sentencing for drug dealers. Yes, they both involve drugs, but one deals on the one hand

with people breaking the law and using drugs the wrong way, and the other deals with a reasonable approach to bringing life-saving medicines and pharmaceuticals into the marketplace. Those should not be joined together and neither should these. Anybody who watched the process, whether in our Judiciary Committee here or over on the House side, I think would understand that these issues have to be kept separate.

Let me say in a little bit more detail, let us consider what happened. In the Judiciary Committee, on the committee side, we had a vote. It was a long-debated vote over whether or not legal and illegal immigration should be kept together. The conclusion was very clear: a majority of Republicans and a majority of Democrats in the Judiciary Committee voted to divide the issues and to keep the legal immigration debate and issues separate from the illegal immigration issues. That, I believe, is what we should also do on the floor of the Senate.

It was not just at the full committee that that was the approach taken, Mr. President. It was also how the Immigration Subcommittee itself addressed these issues. It did not start with one bill on legal and illegal immigration. It recognized the very delicate and very complicated nature of each of these separate areas of the law. First it passed a bill on illegal immigration, and then it passed a bill on legal immigration. Only then did it seek to combine the two, which the Judiciary Committee felt was a mistake, and separated the two later on.

On the House side, Mr. President, we had the same thing take place. On the floor of the House of Representatives, a bill that included legal and illegal immigration reforms was tested. Overwhelmingly, the House of Representatives voted to strike those provisions such as the one or similar to the ones contained in the Simpson amendment which is before the Senate, provisions which dealt with legal immigration and dramatic changes to the process by which people who want to play by the rules come to this country and do so legally.

In the Senate Judiciary Committee, we have kept legal and illegal immigration separate. In the House of Representatives, they have kept them separate. The bill, which is sitting in the House side waiting to go to conference with us, does not have these legal immigration components that will be discussed today.

For those reasons, Mr. President, as a threshold matter, I think that the amendment that is being offered should not be accepted. I believe that it improperly puts together two very different areas of the law that should be kept and dealt with and considered separately, and I think we should not move in that direction.

I make a couple of other opening statements. I know there are other colleagues who want to speak, and I will have quite a bit to say on this and intend to be here quite a long time to say it. Even if there was a decision to somehow merge these together, Mr. President, I think the worst conceivable way to do it is to do it piecemeal as we are now talking about doing in this amendment.

If we were to consider these together, the notion of taking just one component—and a very significant one at that—out of the legal immigration bill and to try to tack it on to the illegal immigration bill before us, would be the worst conceivable way to address the issues that pertain to legal immigration in this country and the orderly process by which people who want to come and play by the rules are allowed into our system.

It is wrong, I think, as a threshold matter, to mix the two. It is even wronger to take a piecemeal approach to it as would be suggested by this amendment.

Mr. President, I say it would be wrong for this body to pursue this type of amendment offered by the Senator from Wyoming.

I also make another note. The Senator from Wyoming in his comments, as a threshold matter, suggested because visa overstayers constitute a large part of the illegal immigrant population in this country and because they at one time came to this country legally, we should somehow bring in the entire legal immigration proposal, misses the point.

With this legislation, once these folks have overstayed their visas, they are no longer legal immigrants. They are illegal immigrants. We have dealt with that effectively in the bill.

So, Mr. President, my initial comments today are simply these. As a threshold, it is wrong to mix the two. As a threshold, it is even wronger to mix them on a piecemeal basis. If we are going to consider legal immigration, the appropriate way to do so is to bring the full bill that was passed by the Judiciary Committee, which sits at the desk, to the floor of the Senate. I have no qualms about having a debate over that bill. I have a lot of different changes that I might like to consider, including some in light of the INS statistics that are being discussed. But that is the way to do it, not by tacking on this type of provision to a bill that should focus, in a very directed way, on illegal immigration and the problems we confront in that respect in this country today.

Mr. President, I know others are seeking recognition. I have quite a bit more to say, but I will yield the floor and seek recognition further.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I yield to my colleague from California temporarily. She wishes to introduce an amendment that will be held at the desk.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I might send a substitute amendment to the desk on behalf of Senator BOXER and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I, with all due respect, differ with my colleague from Wyoming on this. Were I to vote on the Feinstein amendment regarding this, I would vote against that, also. I think our colleague from Michigan is correct that we have to keep legal and illegal separate.

Now, it is true, as Senator SIMPSON has said, that the majority of people who are here illegally came in legally. But we have to add that this amendment will do nothing on that. These are people who came in on visitors' visas, or student visas. This amendment does not address that.

A second thing has to be added that somehow has escaped so far this morning, and that is, the majority of the people who come in as immigrants to our society are great assets to our society. Illinois is one of the States that has major numbers in immigration. But a smaller percentage of those who come into our country legally are on various Government programs, such as welfare, than native-born Americans, with the exception of SSI. That is an exception. And there are some problems we ought to deal with. There are problems we ought to deal with in illegal immigration. But not on this particular bill.

Let me also address the question of the numbers. There is some conflict, apparently, in the numbers that are going around. I think, in part, it is because the Immigration Service—and I have found them to be very solid in what they have to say—are projecting what is going to happen. And there is a bubble because we have this amnesty period. And so there is going to be a period in which the numbers go up, and then they will go back down. I do not think it is a thing to fear.

And then, finally, Mr. President, yesterday on this floor, I heard that we are going to be facing real problems in Social Security. We all know that to be the case. The numbers who are working are declining relative to the numbers of retirees, in good part, because of people in the profession of the occupant of the chair, Mr. President, who have added to our longevity. One of the things that happens in the fourth preference, where you bring in brothers and sisters, is that you bring in people who will work and pay Social Security. It is a great asset to our country, not a liability.

So I have great respect for our colleague from Wyoming. I think he is one of the best Members of this body, by any gauge. But I think he is wrong on

this amendment. I think we should separate these two insofar as possible, the illegal and the legal immigration.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in very strong opposition to the Simpson amendment. I thank the Senator from Michigan for his leadership on it.

First of all, I think that this amendment is an unfortunate attempt to circumvent the will of the majority of this Congress, which has clearly indicated its strong desire to keep the issue of legal immigration separate from the issue of illegal immigration.

The other body has already sent a very strong message on a strong, bipartisan vote not to have any cutbacks, Mr. President, in current legal immigration levels.

Just a few weeks ago, after a very, very long process, the Senate Judiciary Committee, again on a very strong, bipartisan vote, voted by a large margin to keep these two areas of law separate—legal and illegal immigration.

Groups and organizations from across the political spectrum have united behind the common goal of keeping legal immigration separate from the issue of illegal immigration.

This includes a lot of business groups, such as the National Association of Manufacturers; labor groups, such as the AFL–CIO; religious groups, such as the American Jewish Committee and the Lutheran Immigration and Refugee Service, and liberal and conservative groups ranging from Americans for Tax Reform to the National Council of La Raza.

They are all opposed to this attempt to rejoin the issues of legal and illegal immigration. That is why, Mr. President, with this immense amount of support for considering legal immigration reform as a separate piece of legislation, I am disappointed that the Senator from Wyoming has chosen to offer this amendment today.

Just to review, the Senate Judiciary Committee voted by a 12 to 6 margin to split the two issues. Nonetheless, that vote did not prevent the committee, nor will it prevent the whole Senate from considering both issues. Indeed, after the committee had dealt with, at length, the illegal immigration bill and disposed of it, the committee very shortly moved on to discuss and consider and vote out a separate bill on legal immigration.

Mr. President, I am also somewhat troubled by what has been suggested both privately and publicly, that cutbacks in legal immigration cannot pass unless they are riding the coattails of strong illegal immigration reform. I think that is a very troubling notion.

If there are not enough votes in this Congress to pass a bill that reduces legal immigration, it should not be piggybacked onto a separate piece of legislation that has far more support.

If a particular proposal cannot pass based on its merit, what other possible justification could there be for its passage?

We have heard the argument that the issues of legal and illegal immigration are intertwined because so many immigrants come here on temporary visas and remain here unlawfully after their visas have expired. Fair enough. This is known as the visa overstay problem. But before the Abraham-Feingold visa overstay provision was adopted by the Judiciary Committee last month, there was not a single word in this bill about that issue, about the significant number of people who are here illegally because they overstay their visas.

Let me emphasize that point, Mr. President. It is important for all Senators to understand that the visa overstay problem represents roughly one-half of our entire illegal immigration problem. We are not talking here about people who jump the fence along the Mexican border in the dead of the night and disappear into the American work force. We are talking about people who come here on a legal visa, usually a tourist or a student visa, and then refuse to leave the country when the visa expires.

That problem alone represents one-half of illegal immigration. The Senator from Wyoming is suggesting that the only way to combat that problem is to tie reductions in legal immigration to an illegal immigration bill.

Mr. President, that theory has already been discredited. The new visa overstayer penalties, authored by the Senator from Michigan and myself, are not contained in the legal immigration bill.

They are contained quite appropriately in this bill. They are in the illegal immigration bill and that is where they belong because the issue of visa overstay has to do with illegality. But this amendment offered by the Senator from Wyoming has nothing to do with illegality. It has to do with questions of levels of legal immigration and who should come in and when. But what was offered in committee—and what is a part of this bill—are targeted penalties and reforms against those legal immigrants who break the rules and, therefore, have conducted themselves illegally. It does not represent the approach of the Senator from Wyoming which is to clamp down on all of these immigrants whether they are playing by the rules or whether they are breaking them.

So the proposition that we need to tie the legal provisions to the illegal provisions so we can clamp down on the visa overstayer problem is just plain false. We have clamped down in visa overstayers, who are illegal aliens, in the illegal immigration bill.

As I indicated yesterday in my opening remarks, there has unquestionably been some abuse of our legal immigration system.

I will not, of course, deny that. But much like you wouldn't stop driving your car if you had a little engine trouble, we should not pass such harsh and unnecessary reductions in lawful immigration simply because a few have chosen to abuse the system.

Mr. President, let me be clear about my position on this issue; I will oppose any amendment that prevents a U.S. citizen from bringing a parent into this country.

I will oppose efforts to eliminate the current-law preference category that allows a U.S. citizen to reunite with a brother or sister.

And, I will oppose any proposal that would effectively prohibit a U.S. citizen from bringing their child into this country, whether a minor or an adult child.

And that is essentially what the proposal before us, offered by the Senator from Wyoming, would accomplish. It would redefine what a nuclear family is.

Supporters of this amendment assert that in terms of allocating legal visas, we should place the highest priority on spouses and minor children, both of U.S. citizens and of legal permanent residents.

I agree with this, Mr. President. And we can accomplish that goal and still permit sufficient levels of legal immigration of other family relatives. That is why a bipartisan amendment was adopted by the Judiciary Committee to place a stronger emphasis on the immigration of spouses and minor children while still providing visas to parents, adult children, and brothers and sisters.

That is what is currently in the bill. Unfortunately, the amendment before us would essentially terminate the ability of a U.S. citizen to bring these other family members into the country.

Parents would no longer be part of the nuclear family. Children, if they have reached the magic age of 21, would no longer apparently be children in the sense of being part of the nuclear family for purposes of the very strong desire of families to be reunited. The goal of wanting to be reunited with your children I do not think cuts off when the child reaches the age of 21.

Mr. President, in a sense that raises the question, What happened to family values? This proposal would turn the family friendly Congress into what in many cases would be a family fragmenting Congress.

So I think it is clear that we have two very distinct issues at play. We should not deal with this issue in a manner that suggests that those who abide by our laws are as much a problem as those who break them. I think that is an injustice to the millions and millions of immigrants who over the years have come to this country, and who have played by the rules and have become productive and contributing members to our society.

Mr. President, I join with the Senator from Michigan, the Senator from Ohio, and others in urging my colleagues to join the majority of the House, to join a majority of the Senate

Judiciary Committee, to join numerous business, labor, religious, and ethnic organizations, and to join the overwhelming majority of the American people who do not want to see such dramatic legal immigration cutbacks tacked on to a piece of legislation that seeks to punish those who break our laws.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise to oppose the amendment.

The first thing that I want to say is that I have the greatest respect for my colleague from Wyoming, and I know that no one has worked harder or longer on this issue. As he knows as well as anybody, it is not an issue that is very beneficial politically for anyone. But it has been something that the Senator has done out of a sense of duty, a sense of obligation to perform that function for the U.S. Senate, but more importantly for the people of this country for many, many years. He has done a very good job.

I rise, however, to oppose the amendment, and I rise to oppose it for two reasons.

First, I believe it is a fundamental mistake to mix the issue of legal immigration and illegal immigration. I will explain in a moment why I think that is a mistake.

Second, I rise to oppose the amendment because I believe on substance it is a mistake.

Let me start with the first reason. Let me start with why I believe it is a mistake to mix two very different issues.

As my colleague from Michigan has pointed out, this is an illegal immigration bill. That is what is in front of us today. It is important I think that we keep it that way. It is also important I think that we do what we said we were going to do, and that is after this bill is over with bring a legal immigration bill to the floor and battle that out and talk about that. But I think we need to keep the two separate.

Why? First of all, for historic reasons. These issues have always been divided by this Congress. Go back to 1986. The Simpson-Mazzoli bill was an illegal immigration bill. A few years later Congress dealt with the legal aspects of that, a legal immigration bill. And in fact, just this year when these bills started off in Senator SIMPSON's subcommittee they were separate bills. It was only at the end of the subcommittee's deliberations that they were combined. The full Judiciary Committee by a vote of 12 to 6 decided to separate them and to go back to the way this matter has always, or at least for the last 15 years or so, been dealt with.

So on historical grounds it is very clear this precedent is to keep them separate. There is absolutely no precedent to combine the two issues. It is interesting that the House of Representatives basically made the same decision when they deleted the significant portion, the portion of the illegal bill that had to do with illegal immigration, and they made that same decision. The House of Representatives did, and they did it by a fairly lopsided margin.

The second reason that it is important to keep these issues apart is I believe that a yes vote on this amendment does in fact merge the two issues and does in fact make it much more difficult and more unlikely that we will be able in this session of Congress to deliver to the President of the United States for his signature an illegal immigration bill.

If any of my colleagues who are in the Chamber or who are watching this back in their offices have any doubt about this, reflect on the debate of the last 2 hours and fast forward to later on today with more and more and more debate. I think the longer you observe this and how contentious some of these legal immigration problems are and the disputes are, it will be clearly understood that by taking a relatively clean illegal immigration bill and dump the legal issues into it makes it less likely that we will ever been able to pass a bill and send it on to the President of the United States.

I think there are clearly votes in this Chamber to pass a good illegal immigration bill. I am going to have an amendment later on to change a provision of the illegal bill. My colleague from Michigan is going to have a separate amendment to change it. We are going to vote those up or down. We are going to argue those out. But ultimately we are going to be able to pass the illegal bill.

If we start down this road of amendments that are clearly dealing with the legal aspect of this, I am not as confident that we are going to be able to pass a bill. I am not as confident that we are going to be able to do what my friend from Wyoming wants to do, and I think the vast majority of the American people want to do; that is, to pass a good illegal immigration bill and send it to the President of the United States.

The third reason I believe it is a mistake to combine these issues, these issues that we have historically not combined, is that once you begin to do that, it makes good analysis more difficult and we begin to confuse the two very distinct issues.

We have in this country an illegal immigration problem, and we all agree on that. I think there is pretty broad consensus about what to do about it. There are a lot of good provisions in this bill. I do not believe we have a legal immigration problem. Illegal immigrants are lawbreakers. They are lawbreakers. And no country can exist unless it enforces its laws. We absolutely have to do that.

Legal immigrants, on the other hand, are by and large great citizens. They are people who care about their families. They are people who work hard. They are people who played by the rules to get here, got here legally, and add a great deal to our society.

The linkage of the legal and illegal bills, which is what this amendment really is going to end up doing, brings about a linkage and I think many times a distortion of the correct analysis. Let me give two examples, two examples of what failure to keep the distinction between the illegal issue and the legal issue does.

I have heard many times the statement made that aliens use social services more than native-born Americans. They are on welfare more; they use up social services; they are a burden to society.

The reality is that statement may be technically true, depending on how you state it, but if you talk only about legal immigrants, that statement is totally wrong. In fact, the facts fly in the face of that because the facts show that legal immigrants are on welfare less than native-born citizens. Although I have not seen any studies or empirical data about this, just from observation—admittedly, it is anecdotal—it would seem to me that the legal immigrants, citizens now, care very much about their families and have intact families and work very, very hard. The fact is that they are on welfare less. The fact is that they do consume social services less than native-born citizens. That is the truth. So you can see how the mixing of the rhetoric and the mixing of the issues causes problems.

The second example of how mixing these issues causes a problem: The statement is made—and it is a correct statement—that one-half of all illegal immigrants came here legally. Let me repeat that. One-half of all illegal immigrants came here legally. That is true. That is a true statement. But these are not legal immigrants. ''Immigrant'' is a term of art. They are not legal immigrants. They did not come here expecting or being told that they could become citizens. These are, as my friend from Wyoming pointed out, students who overstay their visas. These are people who come here to work who overstay. As my colleague from Wisconsin correctly pointed out, the Simpson amendment does not deal with this issue. It does not deal with this problem. And it is a problem.

The bill does. We took action in the bill and in committee to try to rectify this problem. Again, you have a difficulty when you confuse the terminology. Yes, these individuals came here legally, but they were never legal immigrants. They never came here with the expectation they would become citizens. They have no right to expect that. So when we analyze legal immigrants and we talk about the burden they place on society, we talk about where the problem of illegal immigration comes from, it is important to keep the distinction correct and to watch our terminology.

Therefore, I believe for practical reasons, for historic reasons, and also for

reasons of good analysis, we should vote no on this amendment. A yes vote links these two issues. It takes an illegal immigration bill that we can pass and shoves into it issues that should be kept separate and dealt with distinctly, and I would say I clearly believe that they should be dealt with later on on this floor in a separate bill.

Let me turn, if I could, for a moment, Mr. President, to the merits of this bill, and I am going to return to this later; I see several of my colleagues who are patiently waiting to talk.

If you look at the merits, I think you have to look at the big picture. I believe that, unfortunately, the effect of the Simpson amendment is to go against some of the best traditions of our country. It really flies in the face of what our immigration policy should be and has been, at least has been throughout a great portion of our history. That immigration policy in its best days, most enlightened, has been based on two principles. One is that the United States should be a magnet, a magnet for the best and the brightest, yes, but also a magnet for the gutsiest, the people who have enough guts to get up, leave their country, get on a boat or get on a plane or somehow get here, come into this country because they want a better future for their children and their grandchildren and their great grandchildren.

The second basic tenet of our immigration policy at its best has been family reunification. We talk in this Congress a lot about family values. We talk about how important families are. They are important. Our immigration policy at its best has put a premium on family reunification. I believe that the net effect of this amendment, however well-intentioned, is to fly directly in the face of those traditions. It is antifamily. It is antifamily reunification and goes against the tradition of trying to attract the best people in this country, people who are the most ambitious, the people who are willing to take a chance.

Let me just give a couple of examples, and I will come back to this later.

The net effect of this amendment is to exclude adult children. Let me take my own example. We all relate things to our own lives. My wife Fran and I have had eight children. Let us assume that I just came to this country. Let us assume that I became a U.S. citizen. The effect of the amendment would be to say, some of your children, a part of your nuclear family—part of them are part of your nuclear family—our younger child, Anna, who is age 4, she could come. Mark, who is 9, could come. And Alice could come; she is 17. Brian, who just turned 19, he could come, too. But John, who is 21, he is not part of your nuclear family. You could not bring him over. He is going to college. You could not bring him. He could not become a citizen. It would say about my older children, Patrick and Jill, they could not come. I think that is a mistake. I think, again, it goes against the best traditions and the history of this country.

The amendment even goes further, the net effect of it does. It says, if you have a child and that child happens to be a minor, but if that child is now married, that child is not going to get in either. Again, I think that is a mistake. We hear talk about brothers and sisters. It is easy to say it is really not important that brothers and sisters come. My colleague from Massachusetts, Senator KENNEDY, has given a couple of examples of what impact that would have. Maybe you can argue the brothers and sisters issue either way. Let me make a couple of comments about it. One of the ways legal immigrants have been able to succeed when they come here—you see it, you certainly see it in the Washington, DC, area. You see it in other parts of the country, too. You see, in small businesses that have been started, you see whole families in there working, people who are hustling, people who are not looking to the State or Government for handouts, but rather people in there trying to make it. They are making it because everybody in the family is working. Somehow, I do not think that is bad. Somehow, I think that is really in the best tradition of this country. It is in our history, each one of us on this floor.

I will make another point in regard to this. Whatever you think about whether brothers and sisters should be able to come in, this amendment would close the door to brothers and sisters of U.S. citizens who have already—these are brothers and sisters of U.S. citizens—who have already paid their fees, applied for admission and been admitted; who waited in line, many times for years, who have done the right thing, who have done everything we told them to do—''Be patient, wait in line, your turn will come.'' They get right up to the door and with this amendment we will say, ''No, that is wrong, we have changed the rules.'' We can do that. We have every right to do that. I just do not think we should do it. I do not think it is the right thing to do.

Let me at this point yield the floor. I do want to address some of the issues my friend from Wyoming has brought up, but I see my friend from Alabama is on the floor. Several other Members are waiting. Mr. President, in just a moment I am going to yield the floor.

Let me briefly summarize by saying that any Member who thinks these issues should not be joined, who thinks we should keep the issues separate and apart and distinct, any Member who is really concerned about increasing the odds of passing and seeing become law an illegal immigration bill, should vote ''no'' on this amendment. You should vote ''no'' if you want to keep the issues separate. You should vote ''no'' if you want to increase the odds of finally getting an illegal immigration bill on the President's desk and signed into law this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to support the Simpson amendment which, I believe, is a first step in restoring common sense to our Nation's immigration system.

I ask unanimous consent I be added as a cosponsor of the Simpson amendment.

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

Mr. SHELBY. Mr. President, there has been substantial debate recently regarding the connection between legal and illegal immigration. Those who favor increased legal immigration have argued there is no link between legal and illegal immigration. In their view, these matters are completely unrelated and should be treated separately, as you just heard.

I disagree. It is simply impossible, I believe, to control illegal immigration without first reforming our legal immigration system. One-half of all illegal immigrants enter the country legally and overstay their visa. No amount of effort at the border will stop this. The only way, I believe, to effectively prevent illegal immigration is to reform our legal immigration system. Thus, I believe there is a clear link between legal and illegal immigration. I support Senator SIMPSON's proposals to reform the legal immigration system, but I am concerned that even his efforts to reduce legal immigration do not go far enough.

With all the misinformation and misunderstanding surrounding this issue, it does not seem possible for this body to pass legislation which will, in my view, bring the number of legal immigrants into line with our national interests. The central question, as I see it, is not whether we should continue legal immigration; we should. The problem is not that legal immigrants or legal immigration are bad per se—they are not. We are a Nation of immigrants, and immigrants have made great contributions to our country, as you have heard on the floor. Immigration is an integral part of our heritage, and I believe it should continue. The real issues that Congress must face, however, are what level of legal immigration is most consistent with our resources and our needs. Yes, and what criteria should be used to determine those who will be admitted. I am convinced that our current immigration law is fundamentally flawed and I want to share with you some charts to illustrate this point.

First, the law has long been allowing the admission of excessive numbers of legal immigrants. Let me show you this chart. This chart here shows that the average number of immigrants in this country admitted per year has climbed to about 900,000. You can look at the chart. From the 1930's to the 1990's, it is just in an upward spiral.

Additional legal immigration levels averaged about 300,000 per year until the 1965 Immigration Act. As this chart

indicates, this is the bulk of immigrants in our country. Three-fourths of the immigrants are legal immigrants. This is three times our level of illegal immigration. There is no other country in the world that has a regular immigration system which admits so many people. Current law fails to consider if such a massive influx of foreign citizens is needed in this country. It also fails to recognize the burden placed on taxpayers for the immigrants' added costs for public services.

Excessive numbers of legal immigrants put a crippling strain on the American education system. Non-English speaking immigrants cost taxpayers 50 percent more in educational cost per child. Schools in high immigration communities are twice as crowded as those in low immigration areas, as this next chart indicates.

Immigrants also put a strain on our criminal justice system. Foreign-born felons make up 25 percent of our Federal prison inmates—25 percent, much higher than their real numbers.

Immigrants are 47 percent more likely to receive welfare than native-born citizens. In 1990, the American taxpayers spent $16 billion more in welfare payments to immigrants than the immigrants paid back in taxes. At a time when we have severe budget shortfalls at all levels of government, our Federal immigration law continues to allow aliens to consume the limited public assistance that our citizens need. Moreover, high levels of immigration cost Americans their jobs at a time when we have millions of unemployed and underemployed citizens, and millions more who will be needing jobs as they are weaned off of welfare. It is those competing for lower skilled jobs who are particularly hurt in this country. Most new legal immigrants are unskilled or low skilled, and they clearly take jobs native citizens otherwise would get.

Second, criteria to select who should be admitted does not incorporate, I believe, our country's best interests. As the next chart shows, who are the legal immigrants? Employment based is only 15 percent. Immediate relatives, 31 percent; other relatives, 27 percent; 4 percent is relatives of people who were given amnesty under other legislation. The others are refugees and asylees, 15 percent. The diversity lottery, 5 percent.

But look at it again: Immediate relatives, 31 percent; other relatives, 27 percent. Relatives predominate the immigration.

The 1965 Immigration Act provisions allow immigrants to bring in not only their immediate family, Mr. President, such as their spouse and minor children, but also their extended family members, such as their married brothers and sisters who then can bring in their own extended family. The brother's wife can sponsor her own brothers and sisters, and so forth. This has resulted in the so-called chain migration we have been talking about, whereby essentially endless and ever-expanding chains or webs of distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60, or more people. I believe this is wrong, and it must be stopped.

Immigrants should be allowed to bring in their nuclear family—that is, their spouse and minor children—but not, Mr. President, an extended chain of distant relatives.

Some opponents of reforming legal immigration who are fighting desperately to continue the status quo will say that only a radical or even reactionary people favor major changes in the immigration area. However, bringing our legal immigration system back under control and making it more in accord with our national interest is far from adequate, I submit.

Let me remind my colleagues that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, recommended fundamental reforms in the current legal immigration system, and the overwhelming majority of the American people want changes in our legal immigration system. I certainly would not consider mainstream America radical or reactionary.

The next chart shows that the results of a recently released national Roper Poll on immigration are dramatic:

More than 83 percent of Americans favor lower immigration levels: 70 percent favor keeping immigration levels below 300,000 per year; 54 percent want immigration cut below 100,000 per year; 20 percent favor having no immigration at all;

Only 2 percent—only 2 percent, Mr. President—favor keeping immigration at the current levels.

I believe we should and I believe we must listen to the American people on this vital issue. If we care what most people think, and we should, and if we care about what is best for our country, I believe we will reduce legal immigration substantially by ending chain migration and giving much greater weight to immigrants' job skills and our own employment needs.

Mr. President, I support the Simpson amendment, which I am cosponsoring, to begin reducing legal immigration.

ONLY INITIAL STEP

I emphasize ''begin'' because the amendment is but a first step toward the fundamental reform and major reductions in legal immigration that we need. I would like us to do much more now. Congress should pass comprehensive legal immigration reform legislation this year instead of adopting only a modest temporary reduction. Even as an interim step, I would prefer tougher legislation, like S. 160, a bill that I proposed earlier. That bill would give us a 5-year timeout for immigrants to assimilate while cutting yearly legal immigration down to around 325,000, which was roughly our historical average until the 1965 Immigration Act got us off track.

Nevertheless, I am a realist and have served in this body long enough to know that the needed deeper cuts and broader reforms cannot be adopted before the next Congress. This is a Presidential election year and the time available in our crowded legislative schedule is quite limited. Most attention has been focused until recently on the problems associated with illegal immigration, and many Members have not yet been able to study legal immigration in the depth that is needed to make truly informed and wise decisions. The House has already voted to defer action on legal immigration reforms. Moreover, the separate legal immigration bill recently reported by the Senate Judiciary Committee is controversial and fails to provide a proper framework for real reform. The committee's bill disregards most of the widely acclaimed recommendations of the bipartisan U.S. Commission on Immigration Reform made under the able leadership of the late former Congresswoman Barbara Jordan.

Let me take a moment to comment on the history of the committee's legal immigration bill, S. 1665, because it is relevant to this discussion. Originally, Senator SIMPSON, chairman of the Immigration Subcommittee, took many of the key recommendations of the Jordan Commission, which spent 5 years studying every aspect of U.S. immigration policy, and turned them into S. 1394, the Immigration Reform Act of 1996. The bill, as Senator SIMPSON drafted it, set out many very sensible reforms—reforms proposed by the Commission and which the American people overwhelmingly support. It would have instituted a phased reduction in legal immigration, ended extended family chain migration and placed greater emphasis on selecting immigrants based on their job skills and education while taking our labor market needs more into account.

Unfortunately, the legal immigration bill that has been reported to us is radically different than the original Simpson legislation and the Jordan Commission's recommendations. The American people want fundamental immigration reform, and yet the committee's bill gives us the same old failed policies of the past 30 years, albeit in a different package. Mr. President, supporters of that bill ought to be thankful that truth in advertising laws do not apply because what they are selling to the American people as immigration reform is anything but. That bill not only fails to make such much needed recommended systemic reforms, it actually increases legal immigration levels.

Given these circumstances, it is clear that major cuts and comprehensive legal immigration reform will have to wait until the next Congress. Nevertheless, I believe that it is important to begin the debate and to begin making at least some reductions in the numbers of legal immigrants. This amendment's modest temporary reductions in

legal immigration appear to be about all that might be done this year. Therefore, I am supporting this amendment.

REFORM IN 105TH CONGRESS

I want to make it clear, however, that in the next Congress I will fight very hard to ensure the enactment of the fundamental reforms needed to restore common sense to our immigration system and to best serve our national interests. I intend to push for legislation incorporating many of the changes recommended by the Jordan Commission and other immigration experts.

I believe that while we must allow immigration by immediate nuclear family members of citizens and legal permanent residents, we must significantly reduce legal admission levels by eliminating many preference categories, especially those for extended relatives, as proposed by the Commission. Most of our legal immigrants are admitted through the family preference system put in place by the misconceived 1965 Immigration Act. Admission is not on the basis of their job skills or our labor market needs. Only about 6 percent of our legal immigrants are admitted based on employment skills.

CHAIN MIGRATION

The 1965 act's provisions allow immigrants to bring in not only their immediate family members—such as their spouse and minor children—but after they become citizens they also may sponsor their extended family members—such as their married brothers and sisters—who then subsequently can bring in their own extended family. For example, the brother's wife can sponsor her own brothers and sisters, and so on. This has resulted in the so-called ''chain migration'' effect whereby essentially endless and ever-expanding chains or webs of more distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60 or more people. This is wrong, and it must be stopped. It creates ever-growing backlogs because the more people we admit, the more become eligible to apply. Immigrants should be allowed to bring in their nuclear family (e.g., spouse and minor children), but not an extended chain of more distance relatives. In addition, we must give greater priority to immigrants' employment skills and our labor needs when we reform admission criteria.

Proponents of high immigration levels argue that we must retain extended family admission preferences in order to protect family values. Well, let us remember, Mr. President, that when an immigrant comes to this country, leaving behind parents, brothers, sisters, uncles, aunts, and cousins, it is the immigrant who is breaking up the extended family. Why does it become our responsibility to have a mechanism in place to undo what the immigrant himself has done? Why is it the responsibility of the American taxpayer who picks up the tab for so many legal immigration costs to have to let the immigrant bring more than his or her immediate nuclear family here? Where do our obligations to new immigrants end? Apparently they never do in the minds of immigrationists who advocate continuing an automatic admission preference for this ever-expanding mass of extended relatives. Each time we admit a new immigrant to this country under our present system, we are creating an entitlement for a whole new set of extended relatives. For most, this means being added to the admission backlogs.

CHAIN MIGRATION INCREASES BACKLOGS

In that regard I want to observe that proponents of bringing in backlogged relatives at an even faster rate claim that family chain migration is largely a myth. I find this an astounding contention. The very fact that in recent years we have developed a massive, ever increasing backlog of extended relatives proves the point that chain migration is a reality. As the committee's report on its legal immigration bill, S. 1665, notes: ''Backlogs in all family-preference visa categories combined have more than tripled in the past 15 years, rising from 1.1 million in 1981 to 3.6 million in 1996.'' Family chain migration is real, and it's a real problem.

CONFUSION BETWEEN LEGAL AND ILLEGAL IMMIGRANTS

Mr. President, even the very modest reductions made in the pending amendment are viewed as unnecessary by those who favor retaining high levels of legal immigration. They have been saying that legal and illegal immigration provisions should not be considered together because there is confusion between legal and illegal. They say that Congress might let concerns over illegal immigration taint its view on how legal immigration should be handled, and that this could lead unjustly to reductions in legal numbers.

Well, after talking about immigration with many citizens in Alabama and elsewhere, I must admit that I have found that there is in fact considerable public confusion about legals and illegals. Furthermore, I agree that this is affecting how Congress is dealing with these issues, but the effect is not what immigrationists think. Ironically, the confusion is greatly benefiting the special interest immigration advocates and their congressional allies and undercutting the efforts of those of us who believe that major cuts in legal immigrant numbers and other reforms must be made. Concerns and confusion over illegal immigration actually are keeping Congress from making the large cuts in legal admission that otherwise clearly would be made this year. Let me explain why.

What I have found in repeated discussions with citizens from all types of backgrounds is that they are overwhelmingly concerned about the high numbers of new immigrants moving to our country. However, most people are under the mistaken impression that almost all of the recent immigrants came here illegally. When you explain to them that in fact that about three-fourths of the immigrants in the last decade are legal immigrants they are shocked. At first, they can't believe that Congress has passed laws letting millions of new people come here legally. Then, I have found that the shock and disbelief of most individuals I talked to quickly turns to outrage and anger, and they start demanding that Congress change its policy and slash legal admissions.

Thus, Mr. President, what I have found convinces me that most of our constituents are really just as upset about legal immigrants as they are about illegal ones. However, they frequently have only been voicing their concerns in terms of illegal aliens because they did not realize that the people they are upset about actually were here legally.

LEGAL AND ILLEGAL IMMIGRATION ARE LINKED

High immigration advocates also have argued that there is no link between legal and illegal immigration and that amendments relating to legal immigration are not appropriate to the illegal reform bill we are now debating. I strongly disagree. Legal and illegal immigration are closely linked and interrelated.

LEGAL PROVISIONS NOW INCLUDED

First, with respect to the linkage of legal and illegal immigration, Mr. President, let me also remind my colleagues that the so-called illegal immigration bill that we are debating already contains important provisions relating to legal immigration like those imposing financial responsibility on sponsors of legal immigrants. Thus, it clearly is appropriate to consider the pending amendment to reduce legal immigration.

LEGAL FOSTERS ILLEGAL

Our current legal admissions system makes literally millions of people eligible to apply, and therefore causes them to have an expectation of eventual lawful admission. But, the law necessarily limits annual admission numbers for most categories and massive backlogs have developed. By allowing far more people to qualify to apply for admission than can possibly be admitted within a reasonable time under the law's yearly limits, the present law guarantees backlogs. It can take 20 years or longer for an immigrant's admission turn to come up. This then encourages thousands of aliens to come here illegally. Some come illegally because they know that under current law they either have no reasonable chance for admission or they will have to wait many years for admission given the backlogs.

ILLEGALS CAN LEGALIZE WITHOUT PENALTY

It is important to note that our current law does not disqualify those who come illegally from later begin granted legal admission. Therefore, illegals often feel they have nothing to lose

and everything to gain by jumping ahead of the line. In short, our legal immigration process has the perverse effect of encouraging illegal immigration. Even though we granted amnesty to legalize over 3 million illegal aliens in 1986, today well over 4 million—and quite possibly over 5 million—illegal aliens now reside in the United States Hundreds of thousands of the new illegal immigrants later will be getting a legal visa when their number eventually comes up through the extended family preference system. Many of these illegals—ho I remind you have broken the law, and who everyone in Congress seems to be so concerned about—thus will become legal immigrants. Magically, it would seem the bad guys become the good guys and all problems go away. Mr. President, how can this be? How can anyone honestly say the legal and illegal issues are not very intertwined and linked together?

ILLEGAL INCREASES LEGAL

In another paradoxical result of our current flawed system, illegal immigration also tends to increase legal immigration. How? Well, look at the situation under the 1986 amendments. The 3 million illegals who received amnesty were allowed to become legal, thereby increasing the number of legal immigrants. And, after becoming legal residents and citizens, what have these former illegals done? After being transformed into good guys by legalization, they have played by the rules, as flawed as the rules are, and petitioned to bring in huge numbers of additional legal immigrants who are the relatives of these legalized illegal aliens. This greatly increases the backlogs. The Jordan Commission found that about 80 percent of the backlogged immediate family relatives are eligible because of their relationship with a former illegal alien. And, as the backlogs grow, Congress is asked to raise admission levels by special backlog reduction programs, which will then increase the number of legal aliens.

Thus, we have an integral process here where the legal system works so as to guarantee backlogs which in turn lead to special additional admission programs and to more illegals who, after a while, may be legalized and then become eligible to bring in more relatives legally. Many of the new legal applicants in each cycle are then thrown into the backlogs so the process can repeat itself. Many of the applicant's relatives also will come here illegally to live, work and go to school while waiting to legalize.

LEGAL HAS SIMILAR IMPACTS

Legal immigration is also linked to illegal immigration because it has many of the same impacts. Both legal and illegal immigration involve large numbers of additional people, with legal in fact accounting for nearly three times more new U.S. residents every year than illegal immigration. Many of my colleagues have expressed grave concerns about illegal immigrants taking jobs from Americans, or these immigrants committing crimes, or costing taxpayers and State and local governments millions for public education and welfare and other public assistance. Well, as I will point out later in detail, it is time to recognize that legal immigrants often cause these same types of adverse impacts. Congress must stop overlooking or disregarding this patently obvious fact. Let there be no mistake we will not solve most of our national immigration problem by just dealing with illegal immigration. Legal immigration is in many ways an even greater part of the problem.

FLORIDA EXAMPLE

Often, the adverse impacts of legal immigration actually will be much greater than illegal because so many more people are involved. For example, consider the situation in the State of Florida. As my colleagues know all too well, especially those who are concerned with unfunded Federal mandates, the Governors of high immigration States like Florida have been coming to Congress for the last several years demanding billions of dollars in reimbursements for their States' immigration-related costs. Governor Lawton Chiles, a former distinguished Member of this body, presented testimony in 1994 to the Senate Appropriations Committee asking for such reimbursement. Governor Chiles' detailed cost analysis showed that in 1993 Florida's State and local governments had net—not gross—immigration costs of $2.5 billion. About two-thirds of this cost—$1.6 billion—came from legal immigration. That's right, listen up everyone, legal immigrants were responsible for two-thirds of Florida's immigration costs. Florida's public education costs alone from legal immigrants came to about $517 million that year. So, my colleagues, we must face the facts that many concerns being raised apply with equal or greater force to legal immigration and that legal and illegal immigration are interrelated.

NEITHER IMMIGRANT BASHING NOR GLORIFICATION

While I do not condone unjustified immigrant bashing, neither do I subscribe to much of the one-sided emotional immigrant glorification and mythology that so often permeates the legal immigration debate. Supporters of high immigration levels often appear to be saying that legal immigrants are much smarter than citizens and that almost all are harder working, more law abiding and have stronger family values than native-born Americans. They imply that we do not support family values if we do not support allowing every immigrant who comes here to later bring his or her entire extended family of perhaps 50 or more relatives. Immigrationists also tend to see only positive benefits from legal immigration and to disregard or downplay any negatives.

BOTH POSITIVE AND NEGATIVE IMPACTS MUST BE WEIGHED

Well, Mr. President, this Senator believes that Congress has the responsibility to weigh both the positive and negative aspects of immigration and to factor in our national needs and citizens' interests when setting legal admissions levels and procedures. Yes, we should consider the positive contributions made by immigrants, and the fact that legal immigrants pay taxes to help defray some of our immigrant-related costs. However, we also need to consider the impacts on American families when one or both parents loses job opportunities to legal immigrants, or when a parent's wages are depressed by cheap immigrant labor. We need to consider the impacts on American schoolchildren of having hundreds of millions of dollars diverted from other educational needs to pay for special English-language instruction or scholarships for children from recent immigrant families. We need to consider the impacts on America's senior citizens and our needy native-born people who are unable to obtain nearly the level of public assistance they require because billions are going to pay for benefits for millions of legal immigrants. We need to consider the impact of legal immigration-related unfunded mandates on State and local governments and taxpayers, especially in high immigration areas like Florida and California. And, we need to remember that many immigrants who do pay taxes are paying relatively little because they are making very low wages, and thus do not necessarily pay taxes at a level that will cover nearly all of their costs.

LEGAL IMMIGRATION SHOULD CONTINUE

The central question that Congress must decide is not whether we should continue legal immigration. Of course we should. The problem is not that legal immigrants or legal immigration are bad per se. They are not. We are a Nation of immigrants, and immigrants have made great contributions to our country. Immigration is an integral part of our heritage, and it should continue. However, while immigrants bring us many benefits, but they also bring certain added costs and other adverse impacts. Furthermore, we do not have unlimited capacity to accept new immigrants.

WHAT LEVEL AND WHAT CRITERIA

The ultimate question that Congress must face here is what level of legal immigration is most consistent with our resources and needs, and what criteria should be used to pick those who are admitted. After studying this question, I am convinced that our current legal immigration law is fundamentally flawed. The heart of the problem is twofold: First, the present law has for years allowed the admission of excessive numbers of legal immigrants; and second, the selection criteria are discriminatory and skewed so as to disregard what's in our country's overall best interests.

DRAMATIC LEGAL INCREASES

The current immigration system, based on the 1965 Immigration Act, has allowed legal immigration levels to

skyrocket. Legal immigration has grown dramatically in recent decades after the 1965 Immigration Act. We have been averaging 970,000 legal immigrants—that's nearly 1 million people legally every year—during the last decade! When you add in the 300,000 plus illegal immigrants who move here every year, this means we are taking well over a million immigrants a year.

We now have over 23 million foreign-born individuals residing in the United States, both legally and illegally. This translates to 1 in 11 U.S. residents being foreign-born, the largest percentage since the Depression. Immigrants cause 50 percent of our Nation's population growth today and will be responsible for 60 percent of the U.S. population increase that is expected in the next 55 years if our immigration laws are not reformed.

Before commenting further on our high levels of immigration, let me briefly explain why the 1965 act is discriminatory. Most immigration under the act occurs through the family preference system. In the early years after the act was passed, a few countries were then the primary immigrant sending countries. After a few years, immigrants from those nations were able to petition for admission of more and more relatives. These relatives from those countries came and in turn sponsored other relatives from those countries, further expanding the immigrant flow from these sending countries. As a practical matter, few immigrants can now be admitted other than on the basis of a family relationship so new immigrants tend to come from the same countries where their earlier family members came from.

This means that there is a de facto discrimination both against admitting immigrants from other countries and against immigrants from even the favored nations unless they happen to be a relative of other recent U.S. immigrants. Would-be non-relative immigrants can be much better educated and higher skilled, but unless they qualify under the much more limited employment categories, they need not apply because under the 1965 act's nepotistic system the admission quotas go to relatives.

Well, Mr. President, I strongly believe that it's long past time for Congress to recognize the 1965 act's flaws and to readjust the statutory process so that we have far lower legal admission levels and fairer admission criteria that are more closely keyed to our national needs and interests. Some of my colleagues and I will probably disagree at least on the numbers of immigrants to be allowed, but I would hope that most will at least agree that an issue of such overriding and strategic importance to the future of our country merits their careful and detailed consideration. Our Nation should not be changed so fundamentally without Congress debating the issue and making a conscious, informed decision on how immigration should be allowed so as to best promote and protect our national interests.

NOT LIKE TRADITIONAL IMMIGRATION LEVELS

Historically, except for a brief 15-year period around 1900, our legal immigration levels have been much lower than what we have experienced after the 1965 act and its subsequent amendments. Many of my colleagues may be surprised by this fact because immigration mythology may have led them to believe that high levels of immigration like we have experienced in recent years are typical or traditional throughout American history. Well, quite the opposite is true.

During the 50-year period from 1915 through 1964, for example, legal immigration levels averaged only about 220,000 annually. From 1820 when our formal immigration records were begun until 1965, it averaged only about 300,000, including the unusually high years around 1900. From 1946 to 1955, it averaged about 195,000 annually; then from 1956 to 1965, it was averaging roughly 288,000 yearly. With the passage of the 1965 Act, the numbers began to skyrocket: from 1966 to 1975, the yearly average became 381,000; then from 1976 to 1985 it hit 542,000; and for the last decade from 1986 through 1995, legal immigration on average hit about 970,000 yearly.

The post-1965 act constant high legal immigrant influx is radically different than our historical pattern. Another important aspect of our legal immigration problem is that there have been no immigration timeouts or break periods for the last 30 years to give immigrants time to assimilate and be Americanized.

Even with the ending of legalizations under the 1986 amnesty law, the legal numbers are still very high. And, this huge wave of immigrants has helped fuel the application backlogs which now run around 3.6 million. Some apologists for high immigration numbers say that since legal immigration has averaged somewhat lower for the last couple of years, we are on a significant new downward trend. Well, we are not. Recent INS projections call for a large increase in legal immigration in fiscal year 1996, thanks largely to the current law's provisions allowing immigration by extended relatives of recent immigrants and the effects of family chain migration.

TIMES HAVE CHANGED

Mr. President, not only are such extremely high immigration levels not traditional, but it is important to realize that today times and circumstances have changed dramatically so that it is far less appropriate to have either such high immigration or the limited skills most current immigrants now bring us.

THEN

In the good old days of yesteryear, we had a much smaller U.S. population and many more people were needed for settling the frontier and working in our factories. In earlier times, our economy also needed mostly low-skilled workers. We still had plenty of cheap land and resources. Quite significantly, we had no extensive taxpayer-funded government safety net of public benefit programs for unsuccessful immigrants to fall back on. Not surprisingly, 30 to 40 percent of our immigrants returned to their homelands. Furthermore, our domestic population's cultural and ethnic heritages were more similar to those of new immigrants. More Americans then had large families because the high domestic birthrate was similar to that of new immigrant families. And, the melting pot concept was generally accepted and fostered assimilation. In addition, there were periodic lulls in immigrant admission levels so as to allow for assimilation.

NOW

Today, circumstances are quite different. Land and resource availability are much more limited and expensive. The United States now is a mature nation with a host of serious domestic difficulties, economic problems, chronic unemployment, crime, millions of needy, and so forth. Our population has grown many times over. In fact, the United States now doesn't need more people—we have no frontier to settle, and we have plenty of workers. And, our economy has been undergoing fundamental structural changes. We have been restructuring toward a high-technology economy that needs higher skilled, more educated workers to compete in the new global marketplace instead of unskilled or low-skilled immigrant labor. We now have a costly taxpayer-funded safety net of government assistance that immigrants can rely on such as welfare, AFDC, SSI, health care, and other benefit programs. Not surprisingly, now only 10 to 20 percent return to their home country. And, multi-culturalism is favored over the "melting pot" concept by many immigrant groups, making assimilation often much more difficult and slower. Instead of following our traditional course of enhancing our strengths by melding a common American culture out of immigrants' diversity, multiculturalists now push to retain newcomers' different cultures.

Mr. President, yes, times and circumstances have changed. How many Senators would be willing to vote today to start voluntarily admitting three-quarters of a million, or more, new people—most of whom are poor, unskilled or low-skilled and don't speak English—every year? I dare say that most of those who did so would face serious reelection problems when outraged voters learned of their actions. Perhaps, this is why the Judiciary Committee's legal immigration bill uses admission assumptions that are much lower than recent INS projections. Perhaps, some people hope to escape voters' wrath by claiming that they did not know what's happening and what's obviously going to happen if we don't make big cuts and other reforms. Whatever their reasoning, what

we are experiencing is legislative business as usual, catering to the high immigration and cheap labor lobbies when it comes to legal immigration.

TIME TO FACE LEGAL IMMIGRATION REALITIES

Well, my colleagues, we are paying a high price now for years of excessive Federal spending and for using smoke and mirrors accounting to understate our budgetary problems. We are facing an analogous problem here for having allowed both legal and illegal immigration levels to be excessive for years, and for failing to acknowledge difficulties caused by high legal immigration.

We simply must begin facing up to the real numbers and the problems associated with admitting far too many new people through legal immigration. About three-fourths of our immigration comes from legal immigrants. That's three times our level of illegal immigration. Why are we trying to close the backdoor of illegal immigration and lamenting about all the impacts illegals are causing, but at the same time disregarding the fact that the front door is open wider than ever? Congress must stop giving little or no thought to the obvious interconnection between legal and illegal immigration and their similar adverse impacts. In the last Presidential campaign, there was a popular saying ''It's the economy stupid!'' Well, with respect to the heart of our immigration problems it can be said ''It's the numbers stupid!''—we get three times more numbers from legal immigration than illegal.

LEGAL IMMIGRATION'S COSTS

Our current legal admissions policy fails to take into account whether such a massive influx of newcomers is needed, or the burdens placed on taxpayers for the immigrants' added costs for public education, health care, welfare, criminal justice, infrastructure and various other services and forms of public assistance. Let me highlight some of these costs:

Education—For example, excessive numbers of legal immigrants are putting a crippling strain on America's education system. About one-third of our immigrants are public school aged. Immigrant children and the children of recent immigrants are greatly increasing school enrollments and adding significantly to school costs in many areas.

Schools in many high immigration communities are twice as crowded as those in low immigration cities.

In 1995, the Miami public school system was getting new foreign students at a rate of 120 per day, and as I noted earlier, Florida's costs in 1993 for legal immigrant education came to over half a billion dollars.

Hundreds of thousands of children from immigrant families speak little or no English. This causes a tremendous increase in education costs and diverts limited dollars that are needed elsewhere in our school systems. English as a Second Language programs are very expensive. Non-English speaking immigrant children cost taxpayers 50 percent more in education costs per child.

Welfare—Legal immigrants, who make up the largest part of our foreign-born population, also are costing billions for various forms of public assistance:

According to the GAO, about 30 percent of all U.S. immigrants are living in poverty. The GAO has found that legal immigrants received most of the $1.2 billion in AFDC benefits that went to immigrants.

Immigrants now take 45 percent of all the SSI funds spent on the elderly according to the GAO. In 1983, only 3.3 percent of legal resident aliens received SSI, but in 1993 this figure jumped to 11.5 percent; 128,000 in 1983 vs. 738,000 by 1994. This is a 580 percent increase in just 12 years.

The House Ways and Means Committee indicates that in 1996, around 990,000 resident aliens—who are noncitizens—are receiving SSI and Medicaid benefits, costing $5.1 billion for SSI and another $9.3 billion for Medicaid, for a total of $14.4 billion. The committee projects that this cost for legal immigrants will jump to over $67 billion a year by 2004.

As our colleague from California, Senator FEINSTEIN, has pointed out, only about 40 percent of our immigrants are covered by health insurance, and therefore immigrants have to rely heavily on taxpayer funded public health services.

Recent analysis by Prof. George Borjas of Harvard University of new Census Bureau data also has confirmed immigrants are using more public benefits. Borjas points out that immigrant households were less likely than native-born Americans to receive welfare in 1970. However, his analysis shows that today immigrant households are almost 50 percent more likely to receive cash and non-cash public assistance—they are about 50 percent more likely to receive AFDC; 75 percent more likely to receive SSI; 64 percent more likely to receive Medicaid; 42 percent more likely to receive food stamps; and 27 percent more likely to receive public housing assistance.

Borjas also notes that 22 percent of the California's households are immigrants, but they get 40 percent of the public benefits; that 9 percent of Texas' households are immigrants, but they get 22 percent of the public assistance; and that 16 percent of New York's households are immigrants, but they get 22 percent of the public assistance benefits.

Jobs—At a time when we have millions of unemployed and underemployed American citizens—and millions more who will be needing jobs as they are weaned off welfare—our Federal immigration law continues to allow in a flood of foreigners to depress wages and take jobs that our own citizens need. While corporate cheap labor interests profit, it is American workers who suffer, especially those who are competing for lower skilled jobs. Most new legal immigrants are unskilled or low-skilled, and they clearly take many jobs native citizens otherwise would get.

Dr. Frank Morris, a noted African-American professor, pointed out in House testimony last year that immigration is having disproportionate adverse impacts on American blacks as follows:

> There can be no doubt that our current practice of permitting more than a million legal and illegal immigrants a year into the US into our already difficult low skill labor markets clearly leads to both wage depression and the de facto displacement of African American workers with low skills. . .. The American labor market is not exempt from the laws of supply and demand. If the supply of labor, especially unskilled labor, increases in markets where significant numbers of African Americans reside for any reason, you have either a wage depression or labor substitution effect upon African Americans, who because we have less education, work experience and small business creation rates than other Americans, are disproportionately negatively impacted in those markets. . .. America is the only country in the world that has mass immigration at a time of slow growth, and industrial restructuring of the economy. African Americans are disproportionately hurt by this process because almost half of all immigrants head for cities that also have a large number of African American residents searching and fighting for better low rent housing, better low skill requirement but high paying jobs, and better public school education for their offspring.

Secretary of Labor Reich in testimony regarding needed immigration reforms on September 28, 1995 before the Senate's Subcommittee on Immigration commented on the ''fundamental question of what purpose our employment- or skill-based immigration policy is meant to serve'' as follows:

> This nation of immigrants always has and always will welcome new members into the American family, though at a different pace and in different ways to suit the times. . .. Employment-based immigration to fill skill shortages, as well as the temporary admission of selected skilled foreign workers, is sometimes unavoidable. But I firmly believe that hiring foreign over domestic workers should be the rare exception, not the rule. And I believe such exceptions should be even rarer, and more tightly targeted on gaps in the domestic labor market than is generally the case under current policy. . .. If employers must turn to foreign labor, this is a symptom signaling defects in America's skill-building system. Our system for giving employers access to global markets should be structured to remedy such defects, not acquiesce in them. And it should progressively diminish, not merely perpetuate, firms' dependence on the skills of foreign workers.

Crime—Immigrants also put a strain on our criminal justice system—over 25 percent of the Federal prison inmates are foreign-born. This is clearly very disproportionate to immigrants' percentage of our general population, which is about 9 percent. Large numbers of these criminal aliens were admitted legally. It cost taxpayers hundreds of millions of dollars just to incarcerate them.

After an extensive study, the Senate Permanent Subcommittee on Investigations reported in April 1995 that:

Aliens now account for over 25 percent of Federal prison inmates and represent the fastest growing segment of Federal prison population. A conservative estimate is that there are 450,000 aliens who have been convicted of a crime and who are in prison, in jail, on probation or on parole in the United States. Criminal aliens not only occupy beds in our prisons and jails, they also occupy the time and resources of law enforcement and our courts.

Mr. President, I say that we must recognize such negative impacts from excessive levels of legal immigration, and that we have a moral obligation to take care of American citizens first. We certainly cannot do so without making drastic cuts in legal immigration numbers. We also must change the criteria to give much more emphasis to immigrants' skills and our changing labor needs.

RESPONSIBLE, REASONABLE LEGAL IMMIGRATION REFORMS

Many opponents of reforming legal immigration who are fighting desperately to continue the status quo say that only radical or even reactionary people favor major changes in this area. Their contentions are erroneous. Bringing our legal immigration system back under control and making it more in accord with our national interests is far from radical.

Let me remind my colleagues again that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, has recommended fundamental reforms in the current legal immigration system. The Commission's recommendations included substantial reductions in legal admission levels and abolishing a number of admission categories including brothers and sisters of citizens and adult children of permanent residents. Surely, proposing such fundamental changes because they concluded this would be in our national interest does not mean that distinguished Americans like Barbara Jordan are radical or reactionary.

Moreover, the overwhelming majority of the American people certainly are not radical or reactionary, and they clearly want Congress to dramatically reduce legal immigration numbers. And dramatic is perhaps the best way of describing the results of a recently released national Roper Poll on immigration. This Roper Poll found over 83 percent of Americans favor lower immigration levels. Seventy percent favor keeping overall immigration below 300,000 per year, and this view is supported generally across racial, ethnic, and other lines—52 percent of Hispanics, 73 percent of blacks, 72 percent of Democrats and 70 percent of Republicans. A majority of the public—54 percent—want immigration cut below 100,000 per year; and 20 percent favor having no immigration at all. Even reform opponents were surprised to learn that only 2 percent favor keeping the current levels. It should be noted that the questions used in this poll specifically advised respondents that current levels of legal and illegal immigration totaled over 1,000,000 new immigrants per year. The people's answers stated the immigration levels they favored for all immigration, including both legal and illegal. While this new Roper Poll is consistent with many earlier polls, it shows even stronger public sentiment on these issues. Thus, it is clear that the public wants dramatically lower legal immigration.

Mr. President, we must listen to the American people on this vital issue. If we care what our constituents think, if we truly want to represent their views, and if we care about doing what's best for our country, we will cut legal immigration substantially and we will make other fundamental changes in the system to end chain migration by extended family members and to give much greater weight to immigrants' education and skills and our employment needs. Therefore, I urge my colleagues to support this amendment to begin to make the responsible, reasonable reforms needed in our legal immigration policies.

Mr. President, I ask unanimous consent that several articles showing the need for immigration reform be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the San Diego Union Tribune, Apr. 24]

BORDER SURPRISE

WASHINGTON.—Despite contentions by President Clinton's administration that legal immigration is tapering off under existing law, the flow is expected to soar by 41 percent this year over 1995 and remain substantially above last year's level for the foreseeable future.

This forecast comes from unreleased data compiled by the Immigration and Naturalization Service (INS).

The projections, obtained by Capley News News Service, triggered an outcry yesterday from advocates of tougher restrictions on legal immigration. They responded to the disclosures by charging that the INS had intentionally misled Congress and the public during this year's stormy debate over whether to cut legal immigration.

The projections show immigration rising from 593,000 last year to 835,000 this year and 853,000 in 1997. The overall numbers actually will be about 100,000 higher because the projections do not include refugees and several other groups of people admitted legally.

For that reason, the overall number for next year is expected to be closer to 1 million than to 853,000.

At a key moment in the congressional debate the INS held a press conference during which it stressed the downward trend in the immigration levels during the past two years. The officials failed to disclose the agency's forecast showing the huge surge beginning this year.

If the law remains substantially unchanged as appears likely at this point, the average annual level of legal immigration over the next eight years would be about 29 percent higher than in 1995.

They clearly misled the American people and Congress, knowing they were telling part of the truth but not the whole truth,'' said Rep. Lamar Smith R-Texas, chairman of the House Immigration subcommittee.

''It's inexcusable, and what it really says is, 'How can we believe what they say again when it comes to immigration figures?' ''

Smith led a failed 16-month drive in the House to cut legal immigration. It was defeated earlier this month.

A White House spokeswoman said she could not comment on internal INS projections she had not seen. But she said the notion that legal immigration would rise sharply was inconsistent with what INS officials had told her.

A senior INS official denied any effort on the part of the agency to mislead Congress, saying agency officials had testified on Capitol Hill that they expected immigration levels to rise—not fall—under current law.

Robert Bach, executive associate commissioner for policy and planning of the INS, briefed reporters hours before a pivotal March 28 Senate vote and stressed the declines in immigration during fiscal years 1994 and 1995. The report he released that day also was circulated widely on Capitol Hill.

Yesterday, Bach said there had been no effort to mislead reporters.

He said that ''we reported on what was'' in the two previous years.

''We didn't spin the future,'' Bach said.

He said that ''it was a straightforward report'' on what happened in 1994 and 1995.

But Smith disagreed.

''They (INS officials) justified their position in supporting an amendment to take out legal immigration reform by saying the numbers were coming down anyway,'' he said. ''And they knew the numbers would be jumping up as they were speaking.''

Restrictionsists including Smith argue that current levels of legal immigration have placed economic burdens on states such as California, Texas, Florida, New York and New Jersey where most immigrants reside. They also say immigrants increase the competition that low-skill domestic workers face for low-wage jobs.

Immigration advocates argue that the burdens of legal immigration are exaggerated and that, overall, it is good for America. Some of them attribute restrictionist sentiment to racism and xenophobia.

Clinton had endorsed a controversial 1995 recommendation by the U.S. Commission on Immigration Reform to significantly cut legal immigration. But his administration has quietly lobbied against the congressional initiatives, saying they go too far. And it provided a crucial and possibly fatal blow to reform efforts in the House by coming out in support of the amendment that killed legal immigration reform there earlier this month.

An effort by Sen. Alan K. Simpson, R-Wyo., chairman of the Senate immigration subcommittee, also was defeated. Instead, the Judiciary Committee approved an amendment by Sens. Spencer Abraham, R-Mich., and Edward M. Kennedy, D-Mass.

Their proposal is the only legal immigration legislative initiative that remains alive in Congress. No date has been set for it to be debated on the Senate floor.

The INS predicts that immigration under the Abraham-Kennedy provision would decline by 4,000 from current law, or less than .5 percent. That means the 29 percent higher levels forecast for the next eight years would occur even under the Abraham-Kennedy plan. Sen. Dianne Feinstein, D-Calif., voted for the amendment after being assured by its authors that it would entail significant cuts.

Feinstein has said California needs cuts in legal immigration. But she was unavailable Monday or yesterday to comment on the INS projections.

Those projections show that legal immigration even under the scuttled Simpson provisions—the most restrictive of the proposals—would have been 7.5 percent higher over the next eight years than last year's level.

The immigration surge is attributed to the rougly 3 million people legalized under the

1986 overhaul of the nation's immigration laws. Many have become citizens and are petitioning for the immediate and unlimited admission of their spouses, minor children and parents.

''It's very clear that INS is trying to play down these (rising immigration) numbers as much as possible,'' said Rosemary Jenks of the Center for Immigration Studies. ''It's just amazing what information the INS decides to leave in or leave out or present or not present. And there's no reason for it other than to affect the current congressional immigration debate.''

Immigration advocacy groups, which were allies with the INS in the effort to defeat the legislative reforms, said they had been waryed how the INS used its figures.

''We never made a big deal about the declines (in 1994 and 1995); the INS did,'' said Frank Sharry, head of the National Immigration Forum, which has played a key role in the campaign to block substantial cuts in legal immigration. ''We always knew the numbers would spike up.''

But Sharry insisted that the INS projections overstated both the extent and the duration of the surge. He called the INS projections ''laughable.''

''This will be a one-time blip that will occur over the next few years,'' he said. ''We're quibbling over rather small differences based on questionable projections that are being (politically) spun by restrictionists to bring about a major reduction in immigration levels.''

[From the New York Times, Mar. 19, 1996]

TOO MANY ENGINEERS, TOO FEW JOBS

(By Michael S. Teitelbaum)

Is there such an acute shortage of skilled scientists and engineers that America's computer industry and research laboratories must recruit thousands of foreign workers yearly in order to compete globally?

That's what Sun Microsystems, Intel, Microsoft, the National Association of Manufacturers and the American Immigration Lawyers Association would have you believe. They successfully lobbied Congress to drop immigration reform proposals that would have held down increases in the number of highly skilled foreign workers. Statistics, however, contradict them. There is no shortage of scientists, engineers or software professionals. If anything, there is a surplus.

Claims of an impending dearth of scientists and engineers began a decade ago, when Erich Bloch, then the director of the National Science Foundation, declared that unless action was taken, there would be a cumulative shortfall of 675,000 over the next two decades.

Congress responded. The National Science Foundation received tens of millions of additional dollars for science and engineering education. And in 1990, Congress nearly tripled the number—to 140,000 per year—of employment-based visas for immigrants with certain skills.

Not surprisingly, the number of science and engineering doctorates reached record levels. From 1983 to 1993, the annual number of Americans earning such Ph.D.'s increased 13 percent. But the number of slots for graduate students grew even more dramatically during that time—about 40 percent. The excess spaces were filled by foreign students, who often stayed in America to compete in the job market. Meanwhile, the United States sharply increased the number of foreign-born scientists and engineers it let in; 39,000 were admitted in 1985, 82,000 in 1993.

The labor shortage never materialized. But global competition rose and the cold war ended. High-tech corporations and defense contractors were forced to downsize; state budget crises forced large universities to sharply reduce their hiring of new faculty.

Unemployment among scientists and engineers remains much lower than for low-skilled workers, as it does for all highly educated workers. Nonetheless, tens of thousands of highly skilled professionals have been laid off. For instance, from 1991 through 1994, I.B.M. laid off 86,000 workers; AT&T, Boeing and Hughes Aircraft laid off a total of 135,000 workers.

It is an employer's market; stagnant or declining salaries have been the trend. For instance, from 1968 through 1995, the median annual salary, including benefits, for an engineer with 10 years of experience declined 13 percent in constant dollars, to $52,900. Meanwhile, salaries in other professions like medicine and law greatly increased.

Job prospects for recently minted scientists and engineers have plummeted. A 1995 study by Stanford University's Institute for Higher Education Research concluded that ''too many doctorates are being produced in engineering, math and some sciences,'' not including biological and computer sciences. It said: ''Overproduction, estimated to average at least 25 percent, contradicts predictions of long-term shortages, given current demand.''

Engineers and software professionals who have lost their jobs could be easily retrained to the big high-tech companies. However, there is no incentive to do so, as long as they can easily hire from U.S.-educated foreign nationals.

As one software professional let go by a computer company reported, he and his colleagues are ''disposable'' rather than ''recyclable.''

In short, the situation is out of balance. A record number of Ph.D.'s, but a weak job market. Claims of a labor shortage, but stagnant or declining wages. Thousands of laid-off professionals, but increased foreign recruitment. Shortage or surplus? Ask any downsized engineer or computer professional for the answer.

[From the National Review, Mar. 11, 1996]

THE WELFARE MAGNET

(By George Borjas)

The evidence has become overwhelming: immigrant participation in welfare programs is on the rise. In 1970, immigrant households were slightly less likely than native households to receive cash benefits like AFDC (Aid to Families with Dependent Children) or SSI (Supplementary Security Income). By 1990, immigrant households were more likely to receive such cash benefits (9.1 per cent v. 7.4 per cent). Pro-immigration lobbyists are increasingly falling back on the excuse that this immigrant-native ''welfare gap'' is attributable solely to refugees and/or elderly immigrants; or that the gap is not numerically large. (Proportionately, it's ''only'' 23 per cent).

But the Census does not provide any information about the use of noncash transfers. These are programs like Food Stamps, Medicaid, housing subsidies, and the myriad of other subsidies that make up the modern welfare state. And noncash transfers comprise over three quarters of the cost of all means-tested entitlement programs. In 1991, the value of these noncash transfers totaled about $140 billion.

Recently available data help provide a more complete picture. The Survey of Income and Program Participation (SIPP) samples randomly selected households about their involvement in virtually all means-tested programs. From this, the proportion of immigrant households that receive benefits from any particular program can be calculated.

The results are striking. The ''welfare gap'' between immigrants and natives is much larger when noncash transfers are included [see table]. Taking all types of welfare together, immigrant participation is 20.7 per cent. For native born households, it's only 14.1 per cent—a gap of 6.6 percentage points (proportionately, 47 per cent).

And the SIPP data also indicate that immigrants spend a relatively large fraction of their time participating in some means-tested program. In other words, the ''welfare gap'' does not occur because many immigrant households receive assistance for a short time, but because a significant proportion—more than the native-born—receive assistance for the long haul.

Finally, the SIPP data show that the types of welfare benefits received by particular immigrant groups influence the type of welfare benefits received by later immigrants from the same group. Implication: there appear to be networks operating within ethnic communities which transmit information about the availability of particular types of welfare to new arrivals.

The results are even more striking in detail. Immigrants are more likely to participate in practically every one of the major means-tested programs. In the early 1990s, the typical immigrant family household had a 4.4 per cent probability of receiving AFDC, v. 2.9 per cent of native-born families. [Further details in Table 1].

AVERAGE MONTHLY PROBABILITY OF RECEIVING BENEFITS IN EARLY 1990S

Type of Benefit	Immigrant Households	Native Households
Cash Programs:		
Aid to Families with Dependent Children (AFDC)	4.4	2.9
Supplemental Security Income (SSI)	6.5	3.7
General assistance	0.8	0.6
Noncash programs:		
Medicaid	15.4	9.4
Food stamps	9.2	6.5
Supplemental Food Program for Women, Infants, and Children (WIC)	3.0	2.0
Energy assistance	2.1	2.3
Housing assistance (public housing or low-rent subsidies)	5.6	4.4
School breakfasts and lunches (free or reduced price)	12.5	6.2
Summary:		
Receive cash benefits, Medicaid, food stamps, WIC, energy assistance, or housing assistance	20.7	14.1

Source: George J. Borjas and Lynette, Hilton, ''Immigration and the Welfare State: Immigrant Participation in Means-Tested Entitlement Programs,'' Quarterly Journal of Economics, forthcoming, May 1996.

And that overall ''welfare gap'' becomes even wider if immigrant families are compared to non-Hispanic white native-born households. Immigrants are almost twice as likely to receive some type of assistance—20.7 percent v. 10.5 percent.

The SIPP data also allow us to calculate the dollar value of the benefits disbursed to immigrant households, as compared to the native-born. In the early 1990s, 8 percent of households were foreign-born. These immigrant households accounted for 13.8 percent of the cost of the programs. They cost almost 75 percent more than their representation in the population.

The disproportionate disbursement of benefits to immigrant households is particularly acute in California, a state which has both a lot of immigrants and very generous welfare programs. Immigrants make up only 21 percent of the households in California. But these households consume 39.5 percent of all the benefit dollars distributed in the state. It is not too much of an exaggeration to say that the welfare problem in California is on the verge of becoming an immigrant problem.

The pattern holds for other states. In Texas, where 89 percent of households are

immigrant but which has less generous welfare, immigrants receive 22 percent of benefits distributed. In New York State, 16 percent of the households are immigrants. They receive 22.2 percent of benefits.

The SIPP data track households over a 32-month period This allows us to determine if immigrant welfare participation is temporary—perhaps the result of dislocation and adjustment—or long-term and possibly permanent.

The evidence is disturbing. During the early 1990s, nearly a third (31.3 percent) of immigrant households participated in welfare programs at some point in the tracking period. Only just over a fifth (22.7 percent) of native-born households did so. And 10.3 percent of immigrant households received benefits through the entire period, v. 7.3 percent of native-born households.

Because the Bureau of the Census began to collect the SIPP data in 1984, we can use it to assess if there have been any noticeable changes in immigrant welfare use. It turns out there has been a very rapid rise.

During the mid-1980s, the probability that an immigrant household received some type of assistance was 17.7 percent v. 14.6 percent for natives, a gap of 3.1 percentage points. By the early 1990s, recipient immigrant households had risen to 20.7 percent, v. 14.1 percent for natives. The immigrant-native ''welfare gap,'' therefore, more than doubled in less than a decade.

Thus immigrants are not only more likely to have some exposure to the welfare system; they are also more likely to be ''permanent'' recipients. And the trend is getting worse. Unless eligibility requirements are made much more stringent, much of the welfare use that we see now in the immigrant population may remain with us for some time. This raises troubling questions about the impact of this long-term dependency on the immigrants—and on their U.S.-born children.

There is huge variation in welfare participation among immigrant groups. For example, about 4.3 percent of households originating in Germany, 26.8 percent of households originating in Mexico, and 40.6 per cent of households originating in the former Soviet Union are covered by Medicaid. Similarly, about 17.2 per cent of households originating in Italy, 36 per cent from Mexico and over 50 per cent in the Dominican Republic received some sort of welfare benefit.

A more careful look at these national-origin differentials reveals an interesting pattern: national-origin groups tend to ''major'' in particular types of benefit. For example, Mexican immigrants are 50 per cent more likely to receive energy assistance than Cuban immigrants. But Cubans are more likely to receive housing benefits than Mexicans.

The SIPP data reveal a very strong positive correlation between the probability that new arrivals belonging to a particular immigrant group receive a particular type of benefit, and the probability that earlier arrivals from the same group received that type of assistance. This correlation remains strong even after we control for the household's demographic background, state of residence, and other factors. And the effect is not small. A 10 percentage point increase in the fraction of the existing immigrant stock who receive benefits from a particular program implies about a 10 per cent increase in the probability that a newly arrived immigrant will receive those benefits.

This confirms anecdotal evidence. Writing in the New Democrat—the mouthpiece of the Democratic Leadership Council—Norman Matloff reports that ''a popular Chinese-language book sold in Taiwan, Hong Kong, and Chinese bookstores in the United States includes a 36-page guide to SSI and other welfare benefits'' and that the ''World Journal, the largest Chinese-language newspaper in the United States, runs a 'Dear Abby'-style column on immigration matters, with welfare dominating the discussion.''

And the argument that the immigrant-native ''welfare gap'' is caused by refugees and/or elderly immigrants? We can check its validity by removing from the calculations all immigrant households that either originate in countries from which refugees come or that contain any elderly persons.

Result: 17.3 per cent of this narrowly defined immigrant population receives benefits, v. 13 per cent of native households that do not contain any elderly persons. Welfare gap: 4.3 percentage points (proportionately, 33 per cent). The argument that the immigrant welfare problems is caused by refugees and the elderly is factually incorrect.

Conservatives typically stress the costs of maintaining the welfare state. But we must not delude ourselves into thinking that nothing is gained from the provision of antibiotics to sick children or from giving food to poor families.

At the same time, however, these welfare programs introduce a cost which current calculations of the fiscal costs and benefits of immigration do not acknowledge and which might well dwarf the current fiscal expenditures. That cost can be expressed as follows: To what extent does a generous welfare state reduce the work incentives of current immigrants, and change the nature of the immigrant flow by influencing potential immigrants' decisions to come—and to stay?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to oppose the pending amendment, but at the outset, I want to compliment my colleague, Senator SIMPSON, for the outstanding work that he has done for so many years on this very important subject, and similarly to compliment my colleague, Senator KENNEDY, for his work in the immigration field and for his work in Judiciary in general.

Senator SIMPSON has been intimately involved in immigration work for more than a decade, going back to Simpson-Mazzoli. In my tenure in the Senate, Senator SIMPSON has taken on some of the toughest jobs which we have had in this body. I talk about Senator SIMPSON in particular because he will be leaving us at the end of this year. It will be an enormous loss for the Senate and for the country.

The first extensive contacts I had with Senator SIMPSON were on the Veterans' Committee where we had a disagreement or two. I would frequently cite the experience of my father, Harry Specter, who was a World War I veteran.

When Senator SIMPSON came to talk to me recently about the immigration legislation that he has worked on judiciously, two private visits to talk to me, he noticed a grouping of photographs on the wall and said when he had been in my office occasionally for lunch he had never taken the time to look at the pictures.

So I introduced him to my mother's father, Mordecai Shanin, who came from a small town on the Russian border when my mother was 5 and settled in St. Joe, MO. And I reintroduced Senator SIMPSON to my father, Harry Specter, who was in his uniform, and I recounted that he emigrated from Ukraine, walking across Europe with barely a ruble in his pocket.

At that point, Senator SIMPSON said to me he did not think he and I would agree too much on the pending immigration legislation.

I come to this issue from a somewhat different vantage point. My sense is that America is a big, broad, growing country and that we do have room for immigrants. I grew up in Kansas. I was born in Wichita and grew up in the small town of Russell, with wide open spaces like Wyoming. My sense is that it is not in the national interest to reduce immigration from 675,000 to 607,000. Both categories of immigrants—the family-based and the employment-based—will make a great contribution to our country. This is a country of immigrants. When we had the debate in the committee, Senator ABRAHAM started off with his immigrant background. Senator FEINSTEIN talked about her immigrant background and I talked about mine, and everybody on the committee could talk about it in one way or another because we are a country of immigrants.

I understand the priorities for minor children and spouses, and, of course, these groups have to be the first priority. But I believe that when you talk about siblings and adult children, talk about family values and talk about having room for the families, that the figures are relatively modest.

When we talk about illegal immigration, there is no doubt about the need to control our borders and to control illegal immigration. But when we talk about legal immigration, I think we are talking about something that is very, very different.

When there is a proposal to reduce employment-based visas by some 28.5 percent, from 140,000 a year to 100,000 for a period of 5 years, I must say that this is a fundamental mistake.

In Pennsylvania, I have had many of my constituents come to me and say that there is a real need for these visas; that the immigrants who come here legally are very highly skilled, are Ph.D.'s, are technicians, and they will be instrumental in creating more jobs, not in taking jobs. I have worked on the bill in committee to be sure that people who come in on these visas do not take existing jobs; that there has to be a premium payment and there has to be a care and consideration so they do not displace existing workers, but these highly skilled people will create more jobs.

I was involved in this issue back in 1989 and 1990 on behalf of the U.S. Chamber of Commerce where I think we increased the number by about 40,000. The situation is so acute in my State, Pennsylvania, that I have held meetings in both Pittsburgh and Philadelphia which were very, very well attended. At these meetings various companies having immediate needs for

highly skilled people came in to comment to me about their opposition to the reduction in the number of visas.

There is no doubt that there is concern about displacing U.S. workers, and I think we have to be careful not to do that, to make sure that does not happen by requiring a premium payment for those who come in as legal immigrants.

I wanted to make these few brief comments. It is not an easy matter. When Senator SIMPSON and Senator KENNEDY are the managers and go through this bill and have very protracted hearings and a markup before the Judiciary Committee, it is a very large job.

So, again, I compliment my colleagues on their work and do express my view that this legal immigration is something which will build a stronger America and provide more jobs. The humanitarian aspects have to be considered as we have the families who ought to have an opportunity to come into this country. Currently, the waiting period to enter the country is as long as 10 years for some family members. We ought not to extend that waiting period. I thank the Chair and yield the floor.

Mr. MCCAIN. Mr. President, throughout the years legal immigration has helped to make our Nation great. America has attracted and continues to attract the best and the brightest—each year many highly skilled and exceptionally talented individuals legally migrate to the United States. In addition, many hard-working individuals who have come to this Nation and contributed their skills, ideas, and cultural perspectives. We must remember that we are and always have been a nation of immigrants.

Illegal immigration is an entirely different matter and presents a whole host of problems that need to be addressed. We must pull together our resources to enforce our borders, streamline deportation of illegal aliens and increase penalties on those who traffic in illegal immigration.

In doing all that we should to combat illegal immigration, however, we must be careful not to unfairly punish those who have entered this country legally. By dealing with the very separate issues presented by legal and illegal immigration separately, we can go a long way to ensuring that our desire to stop illegal immigration does not result in penalizing those who have abided by the law to enter the country.

The Senate Judiciary Committee has already considered the very issue of whether legal and illegal immigration legislation should be addressed separately. They voted by a margin of 2 to 1 to keep the two separate. We should stay that course and give well-reasoned consideration to legal immigration apart from the discussion of the serious national problems presented by illegal immigration.

I understand that some of my colleagues wish to reduce the numbers of legal immigrants in order to eliminate the backlog of spouses and minor children waiting to enter this country. But we should address these issues when the matter before us is legal immigration. Otherwise, legal immigrants who have long enriched this Nation, may be unfairly impacted by the negative views which understandably are associated with illegal immigration.

In addition, we cannot give appropriate consideration to employment-related provisions of a bill discussing both legal and illegal immigration. Legal immigration has helped to strengthen America's economic base, providing our Nation's businesses with highly skilled individuals to meet critical needs in special fields and disciplines. American businesses who employ legal immigrants already must comply with a series of rules and regulations which can be very costly. Also, as a recent Cato Institute study makes clear, legal immigration does not increase the rate of native unemployment.

Obviously, illegal immigration poses a different set of employment-related issues such as what appropriate sanctions should be levied against employers who hire illegal immigrants and the best and most efficient way to verify citizenship of potential employees.

Again, I hope that my colleagues will remember that we are a nation of immigrants and that legal immigration has been a source of great strength and diversity. We can best and most fairly address any problems associated with legal immigration by discussing that issue separately from the far greater problems illegal immigration presents. Thus, I urge my colleagues to vote to keep illegal and legal immigration provisions separate.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in support of the Simpson amendment. Mr. President, what the Senator from Wyoming has recommended to this body is that we try to consider the immigration questions together, both legal and illegal. There have been some very sincere Members who have worked in committee to separate the bills. I understand their interest in considering them separately. But I hope the membership of the Senate will consider the question of joining these together, for several reasons. The first is simply that these questions are integrated. Illegal and legal immigration questions do overlap. It is logical to consider them all in one bill. It makes the most sense.

The second reason, Mr. President, is, frankly, I think we are much more likely to get a bill through and passed if we have them together, as well. That is a judgment on my part. Others may have a different view. But I think there is, one, a need to move ahead with legislation in this area, and, two, that need is much better accomplished if we have those measures together. So it makes sense to have them together, makes it better to legislate, more cohesive. Second, I think it makes it much more likely we will pass a bill.

In ascribing motives to lobbyists who have worked to separate the bills, I want to make it clear that I do not attribute those to the Members who have risen on this floor to speak. I think they are sincere. Mr. President, it is my impression that those Members have made a very enormous, positive contribution to this debate. But it is also my impression that some of the groups that have lobbied for separation of the bills have done it because they did not like provisions of one or either of the particular measures. Many business groups lobbied very hard against having the bills considered together.

Mr. President, I think the reason for their interest in separating the bills no longer exists, frankly. There were provisions in the original bill, as it came to the Senate Judiciary Committee as a full committee markup, that caused concern. There were provisions of it that I thought were quite antibusiness. There were provisions, in my view, that should be stricken from the bill.

But, Mr. President, that original reason, that reason that had caused the interest groups to try to separate the bills no longer exists. Literally, the harmful provisions, at least almost all of them in my view, have been taken out of the bills. The very reason for separating them has been done away with. It came about because we had in the Judiciary Committee what I consider the most positive markup I have ever been involved in in 16 years in the Congress. It was very akin to the kind of markup that occurs in State legislatures all across this country.

The difference? The difference is it was bipartisan. The difference is that people listened to each other. The difference was that the accommodation was reached. I am sure Members will reflect that is not always the case in markups. I came out of that Senate Judiciary Committee markup feeling very positive, not only about our results, because I think the bill was dramatically improved in that process, but about the process itself.

I hope, as Members deliberate this question, they will look for a logical way to legislate, which is to combine these subjects, and they will look for a reason to get both of these bills passed because, Mr. President, there is not a Member who comes to this floor who does not understand and does not share the view that we need to change the laws in this area, that we are not accomplishing the purposes that both parties agree on. So it is a logical way to do it and a way to make sure we get good legislation.

Lastly, Mr. President, I simply add this. It is important that we move on this subject. As we explored this subject in markup, what we found is that there were a great many areas that both liberals and conservatives, Democrats and Republicans agreed on—that

there are errors and loopholes in our current laws, and there are many areas where the common purpose of all people in the United States are not being met. They are not being met because our laws are deficient in that area.

I simply believe this subject is compelling and the need to act is compelling. That need, that purpose that I believe almost all Americans share, can be much better accomplished if we move to join these two measures rather than keep them separate. I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do thank my friend from Colorado. This Senate will miss him, and certainly I will miss him. He is a very special friend and one for whom I have come to have the highest respect and admiration and affection.

I want to thank Senator SHELBY. Such a fine ally. I admire him so, a very steady, thoughtful, extremely authentic man when he deals with the issues of the day.

I just say to my friend from Colorado that I think my colleague from Michigan was a bit shocked when the Senator said we were talking about joining these issues. My amendment is not about joining the issues. I want to express that. This is a singular amendment based upon the majority recommendations from the Jordan commission. We have seen fit to see that it is an issue that will be discussed, voted on, whichever way it goes, and then move on. I think once we finish this amendment, things will move in a swifter fashion.

But just let me say this to kind of summarize some things that have occurred during the debate. Please understand that I think what my friend, Senator FEINGOLD, was talking about—parents—there is no change in my amendment in the definition of ''immediate family,'' none. Parents, minor children, spouses, no change. That, I think, is unfortunate; and perhaps it may have been misconstrued. But there is no change in the definition of ''immediate family'' in what I am doing.

I say, too, that in the debate I have heard the phrase that these people come here to work. I agree with that totally. There was another reference to the fact that they are a tremendous burden on the United States. I have never shared that view. I have never shared the view that these people who come here are a tremendous burden.

But there are some touching stories here I just have to comment on. You knew that I would not completely allow that to slip away.

We can all tell the most touching stories that we can possibly conjecture. My friend from Ohio tells those stories. My friend from Massachusetts tells those stories. I can tell those stories, for I have a brother who is just about the most wonderful man you can ever imagine. I would like to have him here. But the problem is, nobody will raise the numbers, no one will come to this floor and say, ''I think legal immigration should be 1,000,002.'' I do not know of anybody who is going to come here and do that. Unless you do that, then I have to make a choice, which is not quite as dramatic as Sophie's choice. That would be a poor illustration. But I have to decide whether I want to bring my spouse and minor children or my brother or raise the numbers. That is where we are. So you either deal with the priorities or you lift the numbers. There is not much place to go.

When Senator DEWINE talks about this gutsy guy, this gutsy, hard-working guy—and that I will remember for a long time because I know that story now—that gutsy, hard-working guy cannot come here, ladies and gentlemen, because 78 percent of the visas have been used by family connection. This gutsy, hard-working guy, the people we all think about when we talk about immigration, these people who come and enrich our Nation, as memorialized on the Statue of Liberty by Emma Lazarus, are not going to get here, ladies and gentlemen, because 78 percent of the visas are used by family connection, period. That is where we are. You take more or give more. I have the view, which is consistent, that we ought to give the precious numbers to the closest family member. That is the purpose of my amendment.

Senator KENNEDY talks about the adult child who will have to wait, and it is a poignant story—or the only sister of the Cambodian who will not be able to come for 5 years. I ask my colleagues if you really prefer to admit brothers and sisters or adult children while husbands and wives and minor children are standing in line, who want to join their family here, who can be described as ''little kids,'' ''little mothers, little fathers.'' That is what this is. What kind of a policy is that?

I tell you what kind of a policy it is, it is our present policy. The present policy of the United States is that there is a backlog on spouses and minor children of permanent resident aliens, which is 1.1 million. There is a backlog of brothers and sisters in that fifth preference, of 1.7 million people. No one is going to wait that long, I can assure you. No one is going to wait that long. They will come here. Who would not?

There are two choices: Raise the numbers, or give true priorities. There is no other choice. None. Americans will not put up with the first one, which is to raise the numbers. You can see what they say. They do not want new numbers. The Roper Polls, the Gallup Polls down through the years, ever since I have been in this issue, ask the people of America, do they want to limit illegal immigration. The response is ''Yes,'' 70 to 75 percent. And the second question, do you want to limit legal immigration, and the answer is ''Yes,'' 70 percent consistently throughout my entire time in the U.S. Senate.

You cannot do both. You cannot lower numbers and keep the current naturalization system, so you have to raise the numbers or else go to a true priority. There is nothing about persons, human beings, and all the rest of that. That is one we can all tell. It is about if you really care, if you really, really care about what we are all saying here, then raise the numbers. If you want to do that, we should have that debate—raise the numbers. If you do not raise the numbers, you are going to continue to see a 40-year-old brother of a U.S. citizen taking away the number of a spouse, a little spouse or a minor child, a tiny child—we can all do that. That is why we do not get much done and probably will not get much done here. At least we will have a vote. That is what this is about.

What about my spouse and minor children that I love? Why not both of them? Why cannot my spouse, minor children and my brother come? It is because they will not raise the figures. Raise the figures and then they can all come. Make your choice. I can tell you, in grappling with this issue and all the issues of emotion, fear, guilt, and racism—I keep using it again and again and again—and Emma Lazarus, I know all about Emma Lazarus. I read up on that remarkable woman years ago. Of course, the Statue of Liberty does not say, ''Send us everybody you have, legally or illegally.'' That is not what it says.

The most extraordinary part of it all is that the people who want to do everything with illegal immigrants and do something to ''punish them'' and do something to limit them and do something here, here and there, are the very people who will also not allow us to do anything with a proper verification system that will enable us to get the job done. We will have a debate on that one and see where that goes. That is an amendment of mine on verification.

You cannot do anything in the illegal immigration bill unless you do something with the gimmick documents of the United States. When we try to do that one, here comes wizards like the Cato Institute talking about tattoos and people who have found an enclave there, to reign down and give us no answers, not a single answer about what you do with illegal immigration, if you do not do something with the documents, verification or the gimmick Social Security and the gimmick driver's licenses and all the rest. What a bunch. What a bunch.

I am still waiting for the editorial from one of their wizards over there to pour out for me what happened to the slippery slope here. When I go to the airport and get asked by the baggage clerk for a picture ID, I did not really think about that being the slippery slope, but I guess it must be the slickest slope we can ever imagine if this other stuff is the slippery slope. This is bizarre. Get asked by a baggage clerk for a picture ID will not do something to keep illegal, undocumented people

out of the United States and keep them from working in the United States so the American citizens can have the job and do the work. It is a curious operation, but things I needed to say. That is why this amendment is here. We will just see where it goes. Let her rip.

Somebody can come and look at what the debate was and say, ''How did it ever reach that point? Hundreds of thousands of people playing by the rules will have to wait?'' Under the current system which would be perpetuated by the present committee language, 1.1 million spouses and children of permanent residents, must wait for up to 5 years. While the closest families members are waiting for years, now we admit under our current system 65,000 siblings of citizens and their families every single year.

Finally, Barbara Jordan did know about the figures that have been presented in this debate. The INS statistics, their division of statistics sent one of their experts to the commission to help with their deliberations, to help the commission, and they certainly did know about these figures. The magnitude is alarming, but they knew.

So the important link between legal and illegal immigration, many of those we are often told are waiting patiently in the backlog and some in fact are not waiting patiently in the backlog. In fact, they are not waiting at all. Why should they? They have entered this country legally or illegally. Legally they are residing here. When their place on the backlog is reached they apparently feel a sense of entitlement there because their visa has been approved. They say, ''Gosh, I have been approved to come to the United States of America, but I cannot come for 10 or 15 years because some brother is taking up the slot. Some 30-, 40-year-old brother down the road has taken my slot and I want to be with my spouse and minor children or some closer relative, an unmarried son, a daughter, a married son or daughter.'' But no, because we have this huge line of preferences and we meet them all and we are required to meet them all with a total of 226,000 people. We are required to do that.

They certainly feel they have a technical ability to come here. How many are in that group? Let me tell you how many are in that group—1 million people in that group. Let me tell you who are these people waiting to come in who are currently in the United States who are not playing by the rules. Here are people who are, I hope my colleagues will hear, who are not playing by the rules. We have in the family first preference, the estimated percent of people, waiting list applicants, who are currently in the United States, should not be in the United States, but are in the United States because they have been approved, but they have not been approved for entry. But they are here. Mr. President, 25 percent are in the family first category. Sixty-five percent of spouses and children in the family second category are not playing by the rules. They are here. Where do you think they would be? They have been approved. They are on the list, and they have not been finally adjudged, and they are here, and 65 percent are not playing by the rules. Adult sons and daughters, 25 percent are not playing by the rules. Third preference, 8 percent. Family, 5 percent—all not playing by the rules. I will enter into the RECORD that estimate of the waiting list and family sponsored preferences as of February 1996.

I ask unanimous consent that that be printed.

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

ESTIMATED IV—WAITING LIST IN THE FAMILY-SPONSORED PREFERENCES AS OF FEBRUARY 1996

Category	Estimated February 1996 totals	January 1995 totals	Increase from 1995
Family first	80,000	69,540	+10,460
Family second:			
Spouses/children	1,140,000	1,138,544	+1,456
Adult sons/daughters	550,000	494,064	+55,936
Pref. total	1,690,000	1,632,608	+57,392
Family third	285,000	260,414	+24,586
Family fourth	1,700,000	1,592,424	+107,576
Family total	3,755,000	3,554,986	+200,014

Estimated percent of waiting list applicants who are currently in the United States

Family first	25
Family second:	
Spouses/children	65
Adult sons/daughters	25
Family third	8
Family fourth	5

Mr. SIMPSON. Perhaps the debate is drawing to a close. It has been a good debate. I very much have enjoyed it. I enjoy my colleagues. I have worked with them and am learning to know them. It will be a great influence on the debate in years to come. That is very important. The purpose of this amendment is simply to try to stabilize what is presently totally out of control, unless you raise the numbers.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I thank the Senator from Wyoming. I was not as surprised as he was at the remarks of the Senator from Colorado about this effort to bring legal immigration into the illegal immigration bill. As I said in my earlier comments, and as I think the remarks of the Senator from Colorado also reflect, this is a very substantial joining together of two very, very, in my judgment, different issues that ought to be dealt with independently of each other, as we were able to do so in the Judiciary Committee, and as the House did in their consideration of immigration already this year.

The fact of the matter is that these issues that pertain to the number of legal immigrants who can come into this country are very complicated, significant, and weighty issues. Mr. President, I say to you that anybody who has been watching the discussions today, who has been following this debate, I hope they recognize already what we recognized on the Judiciary Committee, that these are not simple amendments. These are not amendments that should be considered in the flash of the day here. These are, in fact, deserving of being independently considered in a much broader context that looks at the whole range of matters that pertain to legal immigration at the same time.

To take the illegal immigration bill—an outstanding piece of legislation, in most respects already—and suddenly inject into it considerations of legal immigration on the basis of one amendment at the very end of this process is not the way the full Senate should take this up today. In my judgment, Mr. President, anybody watching this debate would recognize that the Senate deserves to have a full and complete consideration of legal immigration, rather than to attach one highly controversial and very complicated element of it on the illegal immigration bill.

That said, Mr. President, let me move on to address some of the substantive components of the Simpson amendment, which is at the desk right now. I think it is important for our colleagues to understand exactly what would happen if this amendment were to pass. First of all, Mr. President, I think the priorities in this amendment are out of line. Under this amendment, the practical effect of priorities that have been set is that virtually no visas will be available for people who fall into categories such as the adult children or the married children of U.S. citizens.

Given the backlog of spouses and children of permanent residents, given the anticipated numbers by the INS, the normal categories of an unlimited immigration of the spouses and children of legal citizens, it is clear that, for the 5-year period the legislation contemplates, there will not be any visas available, in my judgment, for anyone who is the child, married child, or adult child, of a U.S. citizen.

What that means, Mr. President, and what our colleagues have to understand is that if the Simpson amendment were to pass, we would establish the following priority. The children of noncitizens would have a greater priority in terms of gaining access to this country than the children of U.S. citizens. Let me repeat that. The children of noncitizens would be given a higher priority than the children of citizens. In fact, virtually no adult children or married children of citizens would, under this amendment, have a chance to come here during this 5-year period.

Let me reflect further on the point I am making, because it turns out, as Senator SIMPSON indicated, and as we have discussed here already today, that

a substantial portion of those people who are in this category of permanent residents, were themselves amnestied here in 1986 by the legislation that this Congress passed and which was signed into law. Prior to that, they entered the country illegally. They were illegal aliens. And so if we place, as a priority, the children of these permanent residents on the basis that the Simpson amendment does, above the adult children and married children of U.S. citizens, we would not only be placing priority on the children of permanent residents, noncitizens over the children of citizens, we would be placing as a higher priority the children of illegal aliens over the children of U.S. citizens.

Now, several Members have tried to differentiate between adult children of U.S. citizens and minor children, between married children of U.S. citizens and minor children, between married or adult children of U.S. citizens and minor children of noncitizens; but I have a hard time believing that any Member of the U.S. Senate or Congress wants to exclude virtually every adult or married child of U.S. citizens and, instead, propose such a substantial priority on the children of noncitizens, indeed, so many of whom were at one point illegal aliens.

It just seems to me that these are not the priorities we, as a body, ought to follow. In addition to that, as was alluded to also by Senator SIMPSON, there are a huge number of children and siblings of U.S. citizens who are on this backlog list, people who have been waiting for, in some cases, as many as 10 years to come here. The Simpson amendment would virtually wipe out anybody on that list from having access over these 5 years that the amendment would seek to apply.

These people have been waiting already a long time. They have paid the dollars that are involved in securing applications and a variety of other things that are part of this process. Now they will be told that, basically, for at least 5 years, the door is going to be shut. I think that is a huge mistake. These are the people that all of our offices hear from all the time. These are the people whose fathers and mothers contact us and ask us, ''What can be done? How can we get our children here?''

Well, many times we have had to say ''no.'' Now we are going to, with a vote today, say ''no'' for an additional 5 full years, Mr. President. I think that is a terrible delay to continue.

But let me talk, also, Mr. President, about some of the other comments that have been made with respect to exactly who is affected by this legislation. We have heard a lot today about the concept known as chain migration. It is always said in a very kind of threatening way and a worrisome-sounding way—chain migration. That is something we, apparently, do not like. But let us just talk a little bit about these folks who were on the charts we saw earlier today—the sons and daughters of U.S. citizens, who we seek to keep the door open to. Are these really people we want to keep out, Mr. President? Are these really people we want to put at a lower priority? Are these really people who, as some described, are taking from our system? It is exactly those people who Senator DEWINE referenced when he talked about the gutsy guys who have come here. Who are those people who have come here over the years to make a contribution? That is exactly these people.

The notion of chain migration has been dramatically exaggerated here today. As the General Accounting Office study indicates, the average time between a person's arrival and their effort to sponsor somebody is 12 years. The chart, which attempts to depict huge influxes of people coming as a result of one person's immigration—in fact, that covers half a century. That, I believe, is exaggerated at that point as well.

The fact is that, under the law that we are considering, the illegal immigration bill, countless provisions have been placed in that legislation to prevent this—sponsorship agreements that can be enforced, so that before people come over here, there has to be a sponsorship agreement by the person sponsoring, and that agreement can now be enforced under this legislation.

That is not going to encourage immigration; it is going to advertise courage. It is a dramatically exaggerated contention. To the extent it exists, the illegal immigration bill will discourage it. To the extent that anybody is trying to exploit the system, this bill discourages it.

This bill contains sponsorship provisions, deeming provisions, provisions which limit access to the Government services by illegal aliens and by noncitizens that are going to discourage any advantage taken of the system, which will leave instead the kind of country that so many people sought over its history, the kind of nation where people came here to play by the rules and make a contribution, and, indeed, they have.

An earlier speaker talked about immigration places a huge strain on the process. The type of immigration we are talking about, the ability of U.S. citizens to bring their children to this country, which this amendment would dramatically reduce, is not a strain on this system. To the extent any strain might exist, we have already addressed it in this illegal immigration bill by cutting off access to the kinds of services that may have been exploited.

So, although I have several other things that I will bring back to the floor so other speakers get their chance, let me just conclude by restating two fundamental points.

First, the Simpson amendment is an attempt, no matter how it is characterized, to bring very weighty, very complicated legal immigration issues and inject them into the illegal immigration bill. Those issues should be considered separate and very comprehensively in the bill that is before the Senate that is already at the desk on legal immigration. To bring them in now, especially to bring them in piecemeal, is a mistake.

The practical effect of the Simpson amendment, were it to be enacted here today, would be to place a higher priority on access to coming to this country on the children of noncitizens versus the children of citizens. It would place a higher priority on the children of illegal aliens versus the children of citizens. If we are to address, and effectively address, issues of legal immigration, then at least we should address them in a way that puts the priority the way it ought to be. Citizens of this country and their children should have a higher priority than noncitizens and certainly than those who are illegal aliens.

Mr. President, I yield the floor. I will continue my discussion of this amendment after others have spoken.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me again strongly associate myself with the comments of the Senator from Michigan. Although it is suggested that somehow this amendment does not violate the distinction between the illegal and the legal immigration issue, I do not know how else you can say it. It is indisputable that this amendment is not only about people who may at one time be illegal immigrants. But they are legal immigrants. It is not about people engaged in any kind of activity that is illegal.

I made this point in my earlier remarks. Senator ABRAHAM and I did offer an amendment that was approved in committee for those situations where someone has come here legally and then overstays their visa. We increased the penalties for that. That is appropriately in an illegal immigration bill. But this amendment has nothing to do with that issue at all. It has to do with which family members and which relationships and in what order people should be able to come to this country in a strictly legal context.

So I am troubled by the attempt here to, on the one hand, suggest that, of course, we should separate these two issues and then come right here at the beginning of this bill and offer an amendment that clearly goes over the line, that clearly goes into legal immigration, and to somehow suggest it is just one little amendment. It is not one little amendment. It is a big deal that is going to affect thousands and thousands of families, of people who are acting completely legally, and they are going to be forced into a bill that is all about the public anger and concern having to do with illegal immigration. I think that paints the issue.

That is why I think an overwhelming majority of people in this body, if they are given a simple opportunity to vote,

whether they wanted to consider illegal and legal immigration separately would vote to separate the issue.

Mr. President, what I am going to suggest, since the amendment came up in this order, is that this is going to be the key vote on whether or not you really think the issues of legal and illegal immigration should be separated. I talked to a number of Senators about this issue. They think it is very clear. There is no question in their minds that the illegal and legal issues should be separate. Make no mistake. This is the amendment that will decide whether that is really their position.

Those who vote for the Simpson amendment cannot possibly argue that they have kept the faith of keeping the legal and illegal issues separate. It is impossible. It is too big of an issue. In fact, I would even argue that it is worse than just straightforwardly saying, ''We are going to merge legal and illegal immigration.'' It is just piecemeal. It takes one very significant aspect of legal immigration, family immigration, and somehow decides it in the context of an illegal immigration bill while leaving other important issues having to do with legal immigration to this side, presumably to be dealt with when we bring up the legal immigration bill.

This is the worst of all worlds because it does not allow people to look at the legal immigration issue in its context. It just separates one thing, puts it in the illegal bill, and in my view it is a disingenuous attempt to have the cake and eat it, too—that you respect the split, but, nonetheless, we are going to resolve the very basic issue at this time.

Whatever the merits of the issue, I think the Senators from Michigan, Ohio, and others have done a wonderful job of explaining the problems with the extreme limitations that this amendment brings forward. Whatever your view on the merits, I hope Senators will realize that this is the vote about whether you want to keep the issues of illegal and legal immigration separate. There may be other related amendments later. There may be a sense of the Senate. But if you go ahead and pass this amendment, you have already broken the line between the two issues, and you cannot put it back together.

Mr. President, I hope all Members realize the importance of this, not just from the point of view of the merits, which are terribly important, but also from the integrity of this whole process, which the vast majority of the House and the vast majority of this body believe it would receive by separating and keeping separate the issues of legal and illegal immigration.

Mr. President, I suggest that it is very, very important that we reject this amendment.

I yield the floor.

Mr. DEWINE. Mr. President, I would like at this point to try to respond to my friend and colleague from Wyoming and to some of the comments that he has made. I think we are engaging in a good debate here. This has gone on for a few hours. It is probably going to go on for a few more hours. But I think these are very, very important issues.

I believe that the Simpson amendment is in fact antifamily, anti-family reunification, and goes against the best traditions of this country.

Let me explain why I say this because this can get very, very confusing, and you have to really spend some time. It has taken me some time to get into it. I certainly do not today pretend to be any kind of expert. But let me explain what I understand the facts to be.

The Simpson amendment would have the effect of pushing aside adult children of U.S. citizens. It would have the effect of pushing aside the minor children of U.S. citizens who happen to be married. It would say to a U.S. citizen—let me again emphasize ''a U.S. citizen''—you cannot bring in your adult child. We are not going to consider that person part of your nuclear family anymore. That is going to be your extended family, those of us who have children over a wide range of ages. Try to tell that to your older children, my son Patrick, or Jill, or John, that they are no longer part of our family; you cannot come in.

It says to a U.S. citizen, if your minor child has made the decision to get married, well, you cannot even bring your minor child in. It says that to the U.S. citizen. It pushes these children aside in favor of—let us be very careful how we state this—the spouses and minor children of illegal aliens, people who were illegal aliens, who came here illegally and who were ultimately granted amnesty in the Simpson-Mazzoli bill.

That is the choice. That is what it is doing. But when you get into it further, what you also find out is that the vast majority of these people, which this amendment purports to help, with children, with spouses, people who were illegal aliens, who came in here then because of the amnesty provision of Simpson-Mazzoli, were legalized, we say that is OK—their children.

The facts are the vast majority of their children and their spouses are already here. They are already in the country. They are not leaving one way or the other, no matter what this bill does. That is the reality. No one can come to this floor and say this is going to impact it one way or the other. So we are pushing aside family members of U.S. citizens purportedly for the reason to help other people, the vast majority of whom are already here anyway. That is antifamily. It is wrong. It is wrong. It is wrong. We should not do it.

How did this all come about? Let us look at the facts. Let me cite the Jordan commission because my colleague from Wyoming very correctly cites the Jordan commission for many things. Let me cite the Jordan commission. It is stated, stated by proponents of the Simpson amendment—it was talked about in our committee—that there are 1.2 million spouses and children of permanent resident aliens who are waiting to come in. That is the people the Simpson amendment purports to help. Let me repeat it—1.2 million spouses and children of permanent resident aliens who are waiting to come in. End of quote. Here is what the Jordan Commission says about this group of people. The Jordan commission said that at least, at least 850,000 of these people, at least 850,000 of them are already here. They are already in the country.

Who are they? Again, they are the children, they are the spouses of people who this Congress in the Simpson-Mazzoli bill in 1986 granted amnesty to.

So I think it is very important that we keep this in mind.

Now, no one can come to this floor and say these people are going to be kicked out. That is not happening. It is not going to happen. In fact, the husbands, the mothers, people who are granted amnesty, once they were granted amnesty, were on the road to citizenship if they wanted it. Now, many of them for any number of reasons that I cannot fathom have decided not to become citizens, but no one is talking about kicking them out. INS is not deporting them, nor is INS deporting their children, nor is INS deporting their spouses. And there is no one who can come to this floor and say anybody is talking about doing that. So I think it is very, very important to emphasize who these people are. And again I would cite the Jordan Commission. Mr. President, the 850,000 of this group of people the Simpson amendment purports to help—it purports to help family members—get help only on paper because they are here already. The fact is that when a legalized person becomes a U.S. citizen after 5 years, the spouses and children are legalized immediately. They can do that. All that person has to do is become a citizen. And even if that person does not elect to become a citizen, no one is going to kick those kids out and no one is going to kick the parents out. So I think, while what is said about the Simpson amendment makes sense and is technically correct, we have to look behind that and look at who these people really are and what the real facts are.

Let me turn, if I could, to another issue but it is related. It is related to Simpson-Mazzoli that passed in 1986, and it is related to the overall rhetoric about the extent, number of legal immigrants who are coming into this country. The statement is made that we are at an all-time high. That is simply not true. It is not even close to being true. It is not accurate.

We are at the rate of approximately, talking about legal immigrants, of 2 per thousand of our population. We have been at roughly this rate for 30 years. We have been at higher, we have been at lower during our history. Just to take one example, though, if you go

back to the turn of the century we were at about 10 per thousand. We are at roughly 2 per thousand now.

What about my colleagues who may say, well, we just heard the argument made that we have new statistics out from INS that show the numbers are up. Yes. What it shows is that we got what we expected. When we decided to grant amnesty in 1986, we knew there was going to be a spike, and we knew there was not only going to be a spike but there was going to be additional spiking as a result of that because of the children that could be legalized, could become U.S. citizens of those people who are granted amnesty.

That was expected. So I think you have to put this again in its historical perspective, and we have to understand that this should be a shock to no one. It was totally expected. It is an increase that we have seen as a direct result of the amnesty that was granted in 1986 and it is basically just as the amnesty was a one-time shot, the results of that amnesty are also a one-time occurrence.

Let me talk, if I could, about another argument that my friend from Wyoming made. He had a very interesting chart. I walked over to take a look at it. It was something that I heard him talk very eloquently about a great deal and that is the chain migration problem.

Just a couple comments. As my friend from Michigan said a moment ago, that chart may be accurate, it may be accurate for a family. I can come up with a hypothetical. It might be accurate—might be. But if it was accurate, assuming it was accurate, assuming that is a real case, it takes about a half a century for that all to take place. So I think we need to put that in perspective.

My colleague from Wyoming agreed with me; we should favor the gutsy people, gutsy people who picked up and came here. What is to say those people on that chart are not gutsy? What is to say they are not people who contributed to society? What is to say they are not people who work with their family, maybe work in a business to make things happen? That chart is almost the history of this country, almost a reflection of our own, not just the history of this country but a reflection of many of our own families, if we go back a generation or two or three.

I wish to return to another issue because this issue keeps coming up. I just want to return to it because it shows I think how many times the mixing in our bills and in our mind of the issue of legal immigration and illegal immigration leads not only to what I think would be bad legislation but I think bad thinking and confusing thinking and confusing rhetoric. Let me give one example. It has been stated time and time again one-half of the people who come here—let me get the precise language. I wrote it down. One-half of the people who are illegally here came here legally. One-half of the people who are illegally here came here legally. Yes, that is true. But these are not the people we are talking about when we talk about legal immigrants. These people were never immigrants, immigrants meaning someone who is here on the path to becoming a citizen.

Rather, these are people who came here—yes, legally—but who came here with absolutely no expectation that they would ever become a U.S. citizen. These are people who came here to work on visas. These are people who came here as students. Frankly, they overstayed; they overstayed their welcome, they overstayed the law, and they are a problem. This bill begins to address the problem, the bill as currently written. The Simpson amendment does not do anything about this problem.

In all due respect to my friend from Wyoming, I think the only thing this rhetoric does is confuse the issue because people then make the jump and say you have to combine the two issues. They are separate and distinct. Legal immigrants is a term of art. People who are here—that is not the problem. There are some people, a lot of them, who overstay the law. They came here legally but they were never legal immigrants. I think it is important to keep those two things in mind.

The statement is also made that aliens use social services more than native-born Americans. Again, every statistic, every study that I have seen, as well as anecdotal evidence that I think most of us have seen in our home States, would indicate that you have to look beyond that statement. That statement may be technically true, but if you break out legal immigrants, people who came here legally, people who have become citizens, people who got in line the way they were supposed to get in line, people who are now naturalized citizens or who are legal resident aliens, in line to become citizens—if you look at that group, and that is the group that the Simpson amendment is going to affect, what you find is statistically they are on welfare less than native-born Americans; less. Again, I think it shows the problem when we try to mix the arguments and when we try to combine legal and illegal.

This vote is a vote not just on the merits of the Simpson amendment. It is also a vote on whether or not this Senate is going to take an illegal immigration bill that I do not think is perfect—in fact, I have a couple of amendments. One amendment I am going to offer; another amendment from Senator ABRAHAM I am going to support. We are going to fight about those and vote on them. But it takes an illegal immigration bill that I think is a very good bill, a bill that addresses the legitimate concerns that honest Americans have that their laws be enforced, that we play by the rules and that people who come here illegally are dealt with—it it takes that concern and superimposes on it—this is what the Simpson amendment does—a whole other issue, an issue that this Senate should debate, should talk about. But on a different day. It confuses the two issues, puts them together, and I think that is a mistake.

For those of my colleagues who are concerned, and I think virtually everybody in this Senate is, about passing an illegal immigration bill and getting it signed and having it become law, the best way to do this is to defeat the Simpson amendment.

Do not take us down the path of getting in the swamp, getting in the muck of all the other issues we are going to be into if, in fact, the Simpson amendment passes. Legal and illegal, they simply, I believe, have to be kept separate.

I am going to have a few more comments later on. I do see several of my colleagues who are on the floor waiting to speak. I will, at this time, yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise in favor of the Simpson amendment. First of all, let us understand something very clearly. The discussion about separating the bills, the legal and illegal bills, boils down to one simple political fact. Those who do not want any changes in the laws relating to legal immigration in this country, who do not want to change the numbers, who want to continue to see the number of legal immigrants in this country continue to rise, as the charts that were shown earlier indicate—those people who do not want to see any constraints on legal immigration also do not want to see the issues of legal and illegal immigration combined into one bill because they understand that there is a very strong political desire to deal with the problem of illegal immigration. This body will not refrain from dealing with the problem of illegal immigration. Therefore, if we are talking about the same subjects in the same bill—there is going to be a bill and there could be a change in the law relative to legal immigration—so they do not want to see that. They would rather see the legislation regarding illegal immigration pass and then do nothing with respect to legal immigration.

The Jordan Commission made some very substantial recommendations about both legal and illegal immigration. Specifically, it determined that our law should be changed to put some caps on the numbers of people legally immigrating to the United States. The basis for the recommendation was what has occurred in the last 10 years, both with respect to illegal immigration and the increases in legal immigration. Ten years ago or so when the law was changed, the assumption was that we would stop illegal immigration. How naive, I guess, everyone was. We thought by making it illegal to hire those who were here illegally, we would remove the magnet and people would stop coming here illegally. We would

not employ them. Therefore we would not have as many illegal entrants. And, therefore, we could afford to raise the number of legal entrants.

So the Senate and the House in their wisdom, before the occupant of the chair and I came to the Congress, decided that what they would do, since we were going to have so many fewer illegal immigrants, was to simply raise by almost a quarter of a million the number of people who could come here legally.

Of course not only have we had more legal entrants every year, but illegal immigration has also risen. It is the combination of both of these numbers increasing that has resulted in the substantial majorities of people surveyed, regardless of which survey you look at, who say we need to do something about the problem, both problems. We need to get a handle on controlling our borders. We need to make it harder for illegal immigrants to be employed and receive welfare benefits. And we also need to reduce somewhat the number of people coming into the country legally.

You can argue about where the numbers should be. My own view is that at least it ought to be taken about to the level that it was 10 years ago. It is still about a quarter of a million people a year. The Jordan Commission actually recommended fewer than that. The Simpson amendment actually recommends more than the Jordan commission did, but it recommends it as a true cap. It says this is a real number; 480,000 will be it. Period. That is, each year, how many people can come in legally.

The bill, as it came out of the Judiciary Committee and as it is here on the floor, however, does not really limit the numbers. It provides a cap but it is called a pierceable cap, meaning you can actually have more numbers than that. And, because of a phenomenon which I will discuss in a moment, the net result is that there really is no cap at all. So let us speak very plain English here. Nobody is trying to cut off legal immigration. Nobody is trying to cut it in half. Nobody is trying to cut it even by 25 percent. But what we are saying is that there should be some limit on it, as opposed to the bill, which will enable it to escalate substantially.

Those who favor basically open, legal immigration, will say, ''Oh, no, the bill actually has a cap in it.'' That is true. But, as I will point out in a minute, the cap does not mean anything. It can be pierced and it will be pierced because of the large number of people who are awaiting their turn to become legal citizens, just precisely as Senator ALAN SIMPSON pointed out during his remarks about an hour ago.

Let me return to a point that I made just a second ago and actually cite some numbers. A recent ABC poll showed that 73 percent of the people in the country want reduced immigration. A recent Roper poll showed that only 2 percent of the respondents supported the current levels of immigration; only 4 percent of blacks and Hispanics supported the current level. There is overwhelming view in our country that immigration numbers should be somewhat reduced.

If I look at the actual survey numbers, as was pointed out before, most of our citizens would reduce those numbers far below what any of us are talking about doing here today.

We ought to be responding to what our constituents are asking, but as happens so much here inside the beltway, with various lobby groups putting pressures on Members, we are not even going to come close to what the majority of the people in this country are asking. We are not going to reduce the number of legal immigrants in the country to 100,000 per year, as a majority of Americans would like to see. We are not going to call a time out on any legal immigration. We are not going to reduce it to 200,000 or 300,000 or 400,000.

The most that we are going to do is to get it about at the level that it was 10 years ago, somewhere in the neighborhood of 480,000. So all of the great speeches about how we are shutting off immigration and we are keeping people from coming to this country obscures the fact that we would be allowing about one-half million legal immigrants into the country every year. Of course, this bill applies only to 5 years, and then we go back to the levels that exist today. The Simpson amendment is just a temporary 5-year breathing space to establish a true priority system for family immigration.

As Senator SIMPSON pointed out, one of two things has to happen here. Either we have to change the priorities so that instead of spouses and minor children, the two groups that we want to grant the top priority to—that is existing law; I think that is what all of us would agree to—we are either going to have to change that priority so that brothers and sisters or others could come in ahead of them or, if we are going to do what the proponents of more immigrants want, we are going to have to increase the total numbers, because the current priority system will result in far more people coming in than the current numbers allow. That is why this pierceable cap—it is only a cap in name, because the fact is the proponents of more immigration understand that if you leave the priority system as it is, inevitably there will be far more legal immigrants than there are today.

The goal with the Simpson amendment is reunification of the nuclear family to ensure that the spouses can come in, that they have a top priority and that the minor children have a top priority.

One of my colleagues made this argument, ''Well, Senator SIMPSON is actually giving a greater priority to the children of permanent residents than to the children of citizens.'' That is not true, Mr. President. Minor children of citizens are the first priority. Minor children of permanent residents are the second priority. It is true that minor children of permanent residents have a priority above adult children of either citizens or permanent residents.

I ask my colleagues who made the argument, would they change that priority? Would you put a higher priority on the adult children of citizens than on the minor children of permanent residents? Because, remember, permanent residents are legal, too. They have a right to live in this country as long as they live, and if we are talking about keeping nuclear families together, we have to be very straightforward about this, and I do not think there is anyone here who would not agree that the current priority, which is for spouses and minor children, should be the top priority.

So let us not hear discussion about how we are putting the children of permanent residents above the children of citizens. We are putting the minor children of permanent residents above the adult children of those who become citizens.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. KYL. Yes, just for a moment.

Mr. DEWINE. Does the Senator agree with the Jordan Commission when they said that of those individuals that you just referenced, there are at least 850,000 of them who are not waiting to come in but who are already, in fact, here?

Mr. KYL. As has been noted earlier, that statistic could well be accurate, and about 65 percent of those people who are here are here illegally, if Senator SIMPSON's statistics are correct, which would suggest to me that we should not be granting a priority to people who, though they are here, got here illegally. I will be happy to yield for another question.

Mr. DEWINE. If you will yield for an additional comment or additional question.

Mr. KYL. Sure.

Mr. DEWINE. If the figures of the Jordan Commission are true, that 850,000 spouses and children are here, would you agree that no one is seriously talking about kicking them out of the country? So, in other words, when we talk about it is important to reunify these families, that may be true on paper but in reality they are already reunified. They were never apart because they are here together.

Mr. KYL. My colleague makes a point. I think he proves too much by his argument, though. Nobody is going to kick them out. That is the whole point. So all the bleeding heart stories about how these people are not going to be reunified is, frankly, beside the point. They are here. Many of them are here illegally, but they are here. What they will have to wait for is simply their opportunity in line to have their status recognized as legal. So in point of fact, they are not being hurt one iota.

Mr. DEWINE. Will the Senator yield?

Mr. KYL. Let me finish making this point. Because what we are talking about with the backlog requires two points of clarification.

One, that backlog will be cleared up; those people will get their legal status eventually and, in the meantime, as my colleague points out, they are here already, they are already unified, they are not suffering apart from each other.

Second, it is important to note that the Simpson amendment grandfathers all of those people who came, I believe it is before May 1988—the exact date Senator SIMPSON can clarify—so that we are really not talking about in any real numbers creating a hardship for those adult children who would want to be reunified under the third priority.

Mr. President, I really would like to get on.

Mr. DEWINE. Will the Senator yield for just one more?

Mr. KYL. I will yield one more time.

Mr. DEWINE. Then I will sit down and get my own time. I appreciate my friend's generosity with his time.

I wonder if he could just respond to this. Is it not true that the individuals he just described who are already unified, who are together, are the people that Senator SIMPSON says his amendment is intended to benefit and who, I argue, because of that amendment, are people who really do not need to be unified anyway; they are already unified. They, with his amendment, would be pushing out adult children, yes—adult children—of U.S. citizens who could not come in and minor children of U.S. citizens who happen to be married?

I want to clarify for the membership who we are really talking about. These are people—850,000 of them—who are already here. My colleague says no one is talking about kicking them out. They are already in the country. So to me it is a little misleading, or maybe it does not tell the whole story, to use the term we are ''reunifying'' these people—and that is the purported sense of the Simpson amendment—when, in fact, they are already physically unified. They may not be on paper unified but they are here and living together. That is who he intends to benefit.

I appreciate the Senator's generosity.

Mr. KYL. It is a point well made, but I believe the point relates to all the categories. As Senator SIMPSON related before, in all four categories of priorities, there are people here illegally who are simply waiting for their turn to become officially recognized as legal. The largest number is in the first category, and then it goes down in number to the point in the bottom category it is the fewest.

So in each of these categories there are people who are here illegally who will have to wait a while before their status can be made legal and who, as my colleague from Ohio rightly points out, are not going to be kicked out.

It is important for us, however, therefore, to focus on this question of priority. Senator SIMPSON and I and others simply believe that the first priority should be the priority of the Jordan Commission and of the existing law that minor children and spouses are the first to receive their legal status. In some cases, it will be legal status for the first time reunifying the family because the rest of the family is not in the country. In other cases, they are already here, and it is simply legalizing the status quo.

The next priority and the priority after that would then come into play. In each case, there are some people who are already here illegally who would become legal, and there are others who were abroad and would be allowed to come to the country, reunify with the family, and eventually become legal. It is all a matter of priorities, Mr. President.

As Senator SIMPSON noted, one of two things is true: Either we change the priorities—and, again, I do not really think anybody is really suggesting that—or we have to recognize that there are so many people who are eligible that the numbers are going to increase dramatically. I think there is an interesting story.

By the way, may I just go back and point out when I talked about pierceable, I meant to describe what we mean by that. The Simpson amendment provides for 480,000 admissions per year. The question is whether or not that number is pierceable or not. The Simpson amendment is a true number. What you see is what you get. What the Jordan Commission recommended was a far lower number, 400,000, but theirs was pierceable, as is the current bill. ''Pierceable'' means that, because admission of nuclear family members of citizens is unlimited, the admission limit can be pierced. That is the top category, the citizen category. It is actually two categories, because the citizen's both minor children and spouses and then also other relatives of citizens.

Because the number of relatives of citizens is unlimited, when we say there is a cap of 480,000 or 400,000 or whatever it may be, that is not really true. It is that number plus however many additional relatives of citizens are allowed to come in.

The Simpson number is a true number: 480,000, period. Over time, that will accommodate all of the categories that they want to come in. Some will simply have to wait longer than others. We say the ones that should have to wait longer are the more distant relatives, not the spouses and the minor children.

What are the official estimates of how many numbers we are talking about? According to the official INS estimates, immediate relatives will range from 329,000 to 473,000. Mr. President, let me read those numbers again for the benefit of my colleagues. Remember, the Simpson amendment calls for 480,000 family members—additional employment and diversity numbers—but 480,000 family members. INS' official estimates are there will be from 329,000 to 473,000 immediate relatives over the next 7 years, with an average of about 384,000 for immediate relatives.

So the number of 480,000 is plenty to accommodate these immediate relatives. There would be about 100,000 additional slots for family-based categories other than the immediate relatives, the people who my colleagues from Ohio and Michigan have primarily addressed, 100,000 a year.

It does not provide additional slots for the legalization backlog reduction. It is assumed those individuals will be absorbed in the immediate relatives category of U.S. citizens, many of whom, as my colleague noted, are now eligible for naturalization. As I noted, at the end of 5 years this limitation of 480,000 ends anyway. So under the official INS statistics, there is plenty of room for all of the people who have been talked about here to become legal in the United States of America.

The facts, however, are somewhat different than the official story. Here is where we find out the rest of the story, as Paul Harvey would say. It appears that there are some informal INS estimates that differ from the formal estimates. In fact, according to the San Diego Union-Tribune article that has been mentioned here, there will be a significant increase, a 41-percent increase in legal immigration that the INS now says will enter the United States over the next 2 years. They have undercalculated or miscalculated too low for the next 2 years, and the fact of the matter is, we are going to see about a 41-percent increase in the next 2 years.

The article provides details about unreleased data from the INS showing that immigration will rise 41 percent this year and next year over 1995 levels. This is the result of an approximate 300,000 administrative backlog of relatives of individuals who have not realized applying for alien status. Therefore, the fact is, under the bill as currently written, we are not going to see a slight decrease. As the proponents like to say, we are going to see a huge increase.

As Senator SIMPSON noted, you cannot have it both ways: Either you change the priority, which nobody wants to do, or recognize there have to be a whole lot more numbers. The truth is, as the INS-reported numbers in the San Diego paper show, that will be substantially increased over 1995: 41 percent in both years.

As I said, the Simpson amendment is important because it provides a true temporary limit. In 1990—in 1990—the level of immigration was increased substantially, by 37 percent. There was an increase because it was thought that the new employer sanctions would reduce illegal immigration, as I mentioned before. That has not occurred. We know that there are approximately 4 million illegal immigrants in the country and about 300,000 to 400,000 new

illegal immigrants entering the country each year. So that number has to be added to the numbers that we are talking about for legal immigrants.

Mr. President, the United States has always been—and, as long as I have anything to say about it, is going to be—a land of opportunity both for U.S. citizens and certainly for all of those who come here legally. But as much as we are a nation of immigrants, we are also a nation of laws. We cannot afford, as a nation, to continue to incur the unrestrained costs of both legal and illegal immigration in jobs, welfare, education and health care. Senator SIMPSON is trying to get a handle on this by limiting immigration very slightly over a very limited period of time, 5 years, as the American people have demanded.

Unless we reform our legal and illegal immigration laws, I believe we will undermine the United States as a land of opportunity for all, both foreign and native born. Everybody has a story to tell how they got here.

My grandparents emigrated here from Holland. My grandmother hardly spoke English. I am very proud of my Dutch ancestry and the traditions that we have maintained, but I think that my grandparents, who assimilated into our society and became Americans, would be rather shocked and somewhat disappointed at the way that the system has grown over recent years. My guess is that they would be supporting attempts of people like Senator SIMPSON to try to bring the right kind of balance and to try to provide opportunity for all of those who are here already and who we will invite legally to come here in the future.

That is why I support the Simpson amendment. I think it is a very reasonable amendment. It is even more liberal, if you want to use that term, than the Jordan Commission recommendation. I know that we all regret that the chairman of the Jordan Commission, Barbara Jordan, herself is not here, cannot be here, because of her untimely death, to defend the rationale for the Jordan Commission report, which, as I said, is even more conservative in this regard than the Simpson amendment. But I think we ignore that report at our peril, and we ignore the sensible arguments that Senator SIMPSON has made here at our peril. As I said, that is why I support and hope that others will support the Simpson amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a number of my colleagues have made some comments with regard to the underlying legislation, with regard to the amendment that is before the Senate, and also in reference to the Jordan Commission. I will make a brief, brief comment about those comments and also come back to the underlying reason why I am opposed to the Simpson amendment.

Mr. President, we can talk about numbers, and I will get back to where we are in terms of numbers, but for the purpose of understanding in family terms—in family terms—what this amendment is really all about: If you are an American citizen today, you can bring your wife in, you can bring minor children in, you can bring parents in without any limitation at all. That is the same with the Simpson proposal and the underlying amendment. That will not change under this particular proposal.

Under the current law, if you are an American citizen, you can bring your adult children and your brothers and sisters in. There are numbers for those. Today the demand on that does not overrun the numbers which are available. We are talking about 23,000 adult children that come in and some 65,000 brothers and sisters. All of those get in now currently. Under the Simpson amendment, there would not be the guarantee that those would get in. I think it is highly unlikely they would be admitted.

Today, if you are an American citizen, you can bring in the adult children and the brothers and sisters of American citizens. Beyond that, we also have for the permanent resident aliens, slots for minor children and spouses. There are numbers for them, but they get in now. They are able to rejoin. We are talking about the minor children and the wives of the permanent resident aliens that are coming in here today. They are all at risk. There are some 85,000 of those. They get in today.

Now, what does the Simpson proposal basically do? It provides for a limitation on the overall numbers. Then there is what is called the spillover. There are 7,000 slots for that spillover. Mr. President, 7,000 slots for the spouses and minor children of permanent resident aliens. It was 85,000 last year. Those wives and those children were able to get in here. Under the Simpson proposal, there will only be 7,000 available.

Then the Simpson proposal says if the wives and small children all get in here, we will spin what else is left over to take care of the adult children and brothers and sisters. That is just pie-in-the-sky if you look at what the numbers are and what the demands are.

Effectively, what the Simpson amendment does, by his own description: We will say, OK, we will permit citizens to bring their spouses and minor children and parents in here but virtually no one else, at least in the first year, because the other groups now, the adult children, which are 23,000 that are coming in here, and the brothers and sisters, which are 65,000 that are coming in here, and the children and wives of the permanent resident aliens that are coming in here, SIMPSON will say all of those together will get 7,000 visas.

Effectively we are closing the door on those members of the family. That is the principal reason I oppose it. No. 1, it is dealing with legal immigration and not illegal. If we are interested in legal, we have a variety of different additional issues. This is the heart of the legal immigration, the numbers of families. It is the heart of the whole program. Always has been. It is the heart of it. That is what he is changing.

We say that the reason we have this slight blip in the flow line of the increase is because of a set of circumstances that were put in motion by Senator SIMPSON, myself, and others who voted for that 1986 act and the amnesty. It has taken 12 years or so for those individuals to get naturalized that were under the amnesty and now are joining members of the family. After a couple of years, it begins to go down.

As a matter of fact, for example, the total immigration for 1995 in the family preference was 236,000; in the year 2001, it will be 226,000. These are the latest figures. We have the blip now on personal family members. We are committed, even with that, when we get to legal immigration, to lower those numbers in a way that is going to be fair in terms of the different groups that are coming in here. We are not reducing the numbers on the real professionals that are coming in here. Senator SIMPSON reduces it to 100,000. The fact is they are not using 100,000. Do we understand that? We are not using the 100,000 that is incorporated in the Simpson amendment. There is no cutback there. No cutback there, my friends. Mr. President, 32 percent in families—no cutbacks in the permanent numbers.

Where are some of those permanent? We are talking about cooks, auto mechanics. They will be able to come in here. But the reunifications of brothers and sisters—no, they are not.

Mr. President, I do think that what we ought to do is say, Look, on this issue, we had tried. Senator ABRAHAM and myself had offered an amendment in the Judiciary Committee to reduce the overall numbers by 10 percent on that. We have found out in recent times that the numbers have bubbled up. Doris Meissner testified in September of last year that the numbers were increasing. Barbara Jordan had highly professional staffers, and they had access to the same information. They did not identify this kind of a bubble. Senator ABRAHAM indicated—and I join with him—when we get to legal immigration, we will see a fair reduction across the board in terms of these visas, 32-percent reduction for brothers and sisters and the wives and small children of permanent residents. Now, that is not fair.

Finally, Mr. President, I think the argument that has been made by my colleagues and friends about not addressing this issue at this time but addressing it at the time we were going to deal with the legal immigration is the preferable way of proceeding.

I listened to the presentation of my friend and colleague from Alabama,

Senator SHELBY, and I watched those charts go up and come down. The fact about the presentation was that we had the mixture of legal and illegal. He points out that 25 percent are in jail. The problem is about 85 or 90 percent of those are illegals that are in jail. When he says on the chart, looking at this foreign born, ''They are in jail, they are using the system,'' those are illegals. Most are involved in drug selling in the United States. They ought to be in jail. They ought to be in jail. They are violating our laws. They are the ones who are in jail.

The fact of the matter is, as others have pointed out during the course of this debate, when you are talking about illegal, you are talking about people who are breaking the rules, talking about unskilled individuals who are displacing American workers, you are talking about a heavier incidence in drawing down whatever kind of public assistance programs are out there. That is the fact. That is why we want to address it.

When you are talking about legals, you are talking about individuals who, by every study, contribute more than they ever take out in terms of the tax systems, who do not overutilize any more than any native American the public programs for health and assistance—with the one exception of the SSI where they have greater use, primarily because of the parents who have come here for children after a period of time are older and therefore need those services. We have addressed that with our deeming provisions. We will have an opportunity to go through the progress that has been made in saving the taxpayer fund.

We are asking, why are we getting into all of those issues suddenly? We will take some time, when we address the legal immigration issue, to go over what has happened in terms of the deeming provisions for senior citizens. That makes a great deal of sense.

Finally, I heard a great deal about the Jordan Commission. The fact of the matter, on the Jordan Commission numbers it is recognized it would be 400,000 that would come here with families. They had another 150,000 in backlog which would be added on to that. They did not even include refugees, which they cited would be 50,000. You add all of those up and you are talking about 400,000 for family, 100,000 in employment, 150,000 in backlog, and 50,000 in refugees. That comes to between 700,000 to 750,000. All of these figures are virtually in the ballpark.

The point my friend from Arizona left out is that one of the central provisions of the Jordan Commission was to do something about the backlogs of spouses and children. It is out there now. With this amendment, you are going to make it even worse. You are going to say to any spouse or child of any American citizen, ''You are not coming in here for 5 years, and you will be lucky if you get in after that because of the way this is structured.'' No backlog reduction, ignoring one of the basic facts.

Mr. President, I think the family issue is the most important. We can work out our numbers in ways that it is going to be fair and balanced along the way. We are seeing the tightening of the screw, a 32-percent reduction with the Simpson proposal, if this measure is adopted, for immediate members of the family. Nothing in terms of the employment. They were down to 83,000 last year. Senator SIMPSON allows for 100,000. Those numbers can continue to grow. I think that is absolutely wrong.

Even if we were dealing on the merits of it, I do not know why we should tighten the belt on families quicker than on those that are coming in and displacing American workers, and, in many instances, they are, as I mentioned, auto mechanics and cooks and other jobs. I think families are more important than those, if you have to choose between them.

Mr. President, we have had a good discussion. Many have spoken about this. I hope the Simpson measure will not be accepted.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Madam President, while we are debating the Simpson amendment on legal immigration, let me stress the need to address the problem of illegal immigration as part of Senate bill 1664. I support S. 1664. Madam President, stopping illegal immigration is one of the most difficult problems facing the United States.

A recent study concluded that, since 1970, illegal immigrants have cost the American people over $19 billion in both direct and indirect public assistance.

None of us doubt that illegal immigration is soaring in the country. Some estimate that the number of illegal aliens in the United States is over 4 million people. Moreover, the number of illegal immigrants coming into the United States is growing by over some 300,000 a year.

During the recent recess, I visited many counties in North Carolina. It was very interesting that each county I went into, the county commissioners and the health officials all said, ''We have a particular problem in this country that does not apply to other counties. We are being inundated with illegal immigrants.'' Well, it became almost a joke because each county was of the assumption that they were the only one that had the problem. The truth of it is, the problem is not only statewide, but it is nationwide. We need to stop it.

Illegal immigrants are not supposed to be able to get public benefits; yet, over time, this has been changed. The Supreme Court ruled that children of illegal immigrants are entitled to a public education. Illegal immigrants are entitled to Medicaid benefits under emergency circumstances—which are most circumstances. Further, illegal aliens may receive AFDC payments and food stamps for their children. This is simply another burden on the working, taxpaying people of this country. In defiance of all common sense, it seems that only in America can someone who is here illegally be entitled to the full benefits that the Federal Government has to provide.

We are stripping the money out of the paychecks of the working people, to support 4-million-plus illegal immigrants. Is it any wonder that they are pouring into the country at an enormous rate of something like 30,000 a month?

What does this say about the breakdown in the welfare system—that it can provide benefits for illegal aliens? We simply should not be doing it. That was not the design of the welfare system. We are bankrupting it and corrupting it by continuing to sponsor and support illegal aliens in this country.

Madam President, we have people coming into the United States illegally for higher-paying jobs, free schools, food stamps, and Government-sponsored health care. By flooding the United States, the illegal immigrant population is taxing fewer and fewer public resources. We simply cannot afford the continuing rise in illegal immigration.

Madam President, this bill is not perfect, but at the very least it will attempt to control the flow of illegal immigrants coming into this country by providing additional enforcement and personnel and by streamlining the deportation procedures, so that they can be removed.

Further, this bill will stop the practice of people entering the country legally—and then going onto our welfare rolls. Anyone who goes on welfare within 5 years after arriving here can be deported. This is not as much as we ought to be doing, but it is a start.

Madam President, we need to pass this bill to stem the flow of illegal immigrants. We cannot let this become another issue that the Democrats in the Senate stop. It is too important to stop. For that reason, I hope the Senate can act on this legislation.

I thank the Chair and yield the remainder of my time.

Mr. SIMPSON. Madam President, I think we may be nearly ready to properly proceed to a rollcall vote on this issue. And then I think that will remove greater delay, as we move into the other items that are in the amendments that we are presently aware of.

I hope that people with amendments will submit those, giving us an opportunity on both sides of the aisle to see what amendments there may be yet forthcoming, because at some point in time—maybe today—we can close the list of amendments so that at least we would have some perspective. I have given up one or two of my amendments—one that Senator FEINGOLD and

I debated in committee. I have withdrawn that. I hope that that marvelous, generous act will stimulate others to do such a magnanimous thing as to take one of their ''babies,'' one of their very wonderful things, and lay it to rest, perhaps.

In any event, I think that we are nearly ready to proceed to a final vote on that. I think anything else I would say would be repetitive, other than to say that the choices are clear. To do all the things we want to do, which play upon your heartstrings, you have to raise the numbers. If you do not raise the numbers, then you have to make priorities. If you are making priorities, it was my silly idea that you ought to have the priorities as minor children and spouses, and not adult brothers and sisters. That is where my numbers would come from. No mystery. That is where they would come from. They would go to spouses and minor children and come from adult brothers and sisters, who, in my mind, are removed from the immediate family category. That comes with wife, children, mother, father. All of us surely will remember that that is from whence we all sprang.

We can proceed, hopefully. I yield the floor.

Mr. ABRAHAM. Madam President, I have a couple of more issues that I want to inject at this point relative to this amendment.

I know there is at least one, or maybe two, of our colleagues who have come by this morning and indicated they wanted to speak. So I urge them, if they are in their office, or if their staff is watching, at this point to please proceed here if they are still interested. I do not have any intent to prolong the debate much further. But I want to make sure that some people who we had promised to find a time for will come here for that opportunity.

I would like to comment again on a couple of points I have been making today but also on some other issues that have been raised by previous speakers. One is the issue of polls and polling data.

I think certainly it is a responsibility of elected officials to be observant of public opinion and constituent views. But I think it is also important to understand that polling and the use of polls is oftentimes quite contradictory and quite confusing. We all know that the polls have said for years that Americans overwhelmingly want a balanced budget. But then, as we have learned, if they are told it means something specific that affects them, they all of a sudden have a little different opinion.

In that vein, I say that some of the polling related to immigration can be both, on the one hand, telling and, on the other hand, contradictory. Yes, it is true, overwhelmingly people want to deal with the immigration problems. The polling I have seen suggests, though, that the first priority they have is to deal with illegal immigration. That is why the first bill before us is a bill on illegal immigration.

I also suggest that those who say they want to see the number of people who are permitted to come to the country legally reduced, those who say that would have different opinions if they understood the ramifications that might affect them or their communities. I have not seen polls go to that kind of extent. But I suspect if people understood that the children of U.S. citizens would have a lower priority than the children of noncitizens, they would surely not favor that form of legal immigration changes.

I also would like to comment just as a postscript to the comments of the Senator from North Carolina. He is deadly accurate in his comments about the impact this bill has on the welfare access that noncitizens will have. Indeed one of the foremost objectives of this bill on illegal immigration has been the objective of trying to address the issuance of public assistance to noncitizens. One of the reasons we think this is a major problem with regard to immigration has been that people have—some people at least—tried to come here illegally to gain access to benefits. This bill attempts to address it. I think it forcefully will.

The point I would like to touch on now very specifically is the broad question of numbers because the comments of the Senator from Arizona a few moments ago in the dialog between him and the Senator from Ohio—I do not know how many Members were watching—I thought that was perhaps as telling as any other discussion we have had here today on the question of exactly what really is going to happen if this amendment passes.

As has been pointed out, the Immigration and Naturalization Service has noted that there will be a spike, an increase, in the number of people who become able to become legal immigrants in the next couple of years under the so-called family preference categories of spouses and children of U.S. citizens. That is an unlimited category. That is going to go up. But what the Senator from Ohio, I think, has said and which I think is important, is that all Senators considering this amendment should understand that increase does not mean new people coming into the United States. What it reflects overwhelmingly is a group of people who, because of the 1986 act which gave amnesty to those in the country illegally and a subsequent action by the Congress in 1990 which gave quasi-legal status to the spouses of minor children of those who gained amnesty, these people are largely overwhelmingly already in the United States. Consequently, the increase that has been alluded to is not an increase in people coming to the country; it is a shifting of people already in the country from one category to another, from a quasi-legal status category to a legal status category. It does not mean a lot more people coming as immigrants to the United States.

That said and acknowledged—I might add, by everybody who has spoken here today—let us think about the ramifications of the Simpson amendment before us. What that amendment will do is basically preclude others who are not already here from coming in huge numbers and in what I consider to be appropriate priorities, as I said in my last statement. In other words, people who are noncitizens will be able to bring their children to this country and people who are citizens will not be able to bring their children if their children are either married or adults. That will be the ramification, because the use of these 480,000 visas that are part of this amendment will be exhausted by the first categories of the relatives; that is, spouses and minor children of U.S. citizens and permanent resident noncitizens.

In short, we will be placing priorities, in my judgment, in the wrong bay. We will be giving the children of citizens a lower priority than the children of noncitizens. We will be giving the children of citizens a lower priority than the children of people who came here as illegal immigrants. We will be giving children of U.S. citizens a lower priority simply because of making a paper transaction in the status of folks who are already in the country. That, in my judgment, is not the way we should be dealing with legal immigration issues.

I also point out that the impact of this is really quite profound. We are talking about, I think, turning away from in many ways, really, the historic basis on which this country was built. Legal immigrants, the children of U.S. citizens, have been great contributors to this country. They have come here and made contributions. Literally hundreds of this Nation's Medal of Honor winners were legal immigrants. Hundreds of people who make contributions in the sciences, high-tech industries, and so on, and built our great cities are the children of legal immigrants. This amendment will basically shut the door on them—those children of legal immigrants who are not minors.

Much has been made of this distinction between minors and so-called adult or married children, that somehow they are no longer part of the nuclear family. Maybe that is true for some families in this world, but it is certainly not the case in my mind. It is not the case for the Senator from Ohio, as he pointed out. I do not think it should be the policy of the U.S. Government to distinguish in that fashion. I think that would be a huge step in the wrong direction.

So, Madam President, I stress that the priorities in the Simpson amendment in terms of who has access to immigration are wrong. Even if you think there should be changes in legal immigration, these are not the priorities that we should establish.

Let me now move on to the point that I made a little earlier in a little different way. The complexities of

these issues, the sorting out of what ought to be the priorities, the sorting out of what ought to be the method by which people gain legal access to the country ought not be dealt with in this type of vacuum, ought not to be dealt with as an amendment to the illegal immigration bill.

This Senate should focus—and I would be perfectly happy to have the comments made by an earlier speaker—I would be happy to have the legal immigration at the desk be brought up for full consideration and passed. But let us deal with these issues in their totality, not a small part of them. I think that approach is the wrong way to go.

That is why we, from the beginning of this discussion in the Judiciary Committee, urged that these issues be divided. It is how the House did it. It is how the Judiciary here did it, both in the full committee and in the subcommittee, and that is how the full Senate ought to do it as well.

Finally, we should not lose sight of the fact that countless organizations and groups who represent the most directly affected in all of this strongly believe in maintaining the separation.

It is interesting to note the many organizations that share this opinion: The American Electronics Association, American Council on International Personnel, the American Business Software Alliance, the Electronic Industries Association, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Information Technology Association of America.

They believe we should not try to merge these issues of legal immigration into the bill before us, the bill on illegal immigration. Their opinion is the same whether the amendment is one pertaining to business immigration or an amendment, as the current one is, that pertains to family immigration.

They believe we should continue the distinction we have made here all the other times we have considered immigration questions, and separate these legal immigration issues that are very weighty and very complicated from issues of illegal immigration, which are equally complicated and weighty. And that I strongly urge, Madam President, be the approach we take today.

I am perfectly willing to have Senator SIMPSON's proposals and the proposals to be offered later by Senator FEINSTEIN, from California, on legal immigration debated fully here the way that we did in committee along with the rest of the issues that are all around legal immigration.

That is the way we should proceed. I do not fear that debate, and I suspect a bill such as was the case in the Judiciary Committee can be passed, but the sequence ought to be illegal immigration is the top priority. We have a good bill. Let us pass it and conference it with the House bill that is already out there on this topic, and then let us bring legal immigration from the desk to the floor and have at that issue as well.

I know the Senator from Wyoming would like to speak, and there is one other Senator on the way here, so I am going to yield the floor at this time.

I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I believe Senator GRAMM is coming to indicate his support against the amendment so we certainly will withhold. I just want to say to my friend from Michigan, I think what happens in issues like this is you establish a degree of trust. You may have your own views, but we do not lay snares on each other. That is a very important part of legislating—to establish trust, and then you get in there and belt it around and then you move on. That is what I do and have always done in 30 years of this work. I have been in some that are much, much more intense than this particular one.

However, I do have to comment on the one thing that keeps coming back like a theme.

Oh, then I wanted to say that there is one group the Senator left off of that list, the American immigration lawyers. You would not want to leave them off the list. They have messed up more legislation in this area than any living group, and they will continue to do it forever. This is their bread and butter. The bread and butter of the American immigration lawyers is confusion. And when you try to do something, you use families, children, mothers, sons and daughters, and violins. That is the way they work, but they never give us many other options, nor do the opponents ever give us many options.

What priorities would you, I say to the opponents, like to take away if you do not raise the numbers? If you do not raise the numbers, what priorities of the preference system would you reduce? You cannot have it both ways. It cannot be. That is really one of the big issues.

Then the argument is we need to separate legal and illegal immigration because legal immigration reform is so important that it deserves our full and separate consideration on the Senate floor. That is the theme of all of those who are opposed to this amendment.

It is curious, very curious, that many, in the House at least, who support no benefits at all for permanent resident aliens, none, are talking about that as if it were separate and apart. I do not see how that can be. You are talking about permanent resident aliens. That means you are talking about illegal immigration and legal immigration. You cannot separate them.

It is a purpose of the original measure—and I compliment those who created this remarkable—not the Senator from Michigan. Some of the think tanks, whoever, some of the Government reps. Give them the credit. When you see it work, give them the credit. I compliment them on that issue because here we are—and this is the curious part. They say out there, down the street, wherever they are, in support of the argument, that the House voted to divide the legal and illegal issues. That is very true. The House voted to split their bill, and I assume the same arguments were made about the importance of legal immigration and the need to deal with that separately.

What actually occurred in the House is quite instructive. Legal immigration in the House is dead—dead. That is exactly what the message was in the House—dead. It will never get the careful and separate consideration that this body wishes to give to the issue—period. That is exactly what many of those who complain about combining the issues want—death. They want to kill legal immigration in all of its reforms, in every form of reform as suggested by the Commission on Immigration Reform. They want to kill legal immigration reform in any form, in any incubation, in any rebirth, in any form in the Senate just as it has happened in the House. They do not want a reduction of numbers. They do not want reform of the priorities. They want death, and that has worked very well in the House.

In the Senate, I appreciate the remarks of those in opposition because they are telling me they want a separate and careful consideration. I think that is great. I am going to wait for that. I am waiting for the separation. I will wait after this bill is finished to hear the separate and careful consideration of legal immigration. It is very pleasing to me to know that we will have that debate, I take it. I am overjoyed. Perhaps we can work out a time agreement. Perhaps we can work up the amendments. I would certainly drop away from some of the things. But to know that these things should be separated and to know with a heartening of my bosom that we will have that separate and careful consideration of legal immigration, that will be a very appropriate response at some future time. I think that all of us then will be looking forward to that because we know that in the House it was simply the death knell, and to hear it is not here is quite heartening.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I would like to reiterate the sincerity of my comments with respect to having the legal immigration bill considered separately. I was under the impression—during the April recess, in fact, I was approached, I know, by the majority leader and asked if that was an acceptable approach. I know that the people who are here today arguing that these issues be maintained separately, approved and signed off and said they were fully supportive of having that bill come to the floor.

It was my understanding that the Senator from Wyoming had opposed that, and so I am a little bit uncertain right now exactly what did happen a couple of weeks ago. But I would just reiterate, from my point of view, our sincerity, and I guess my understanding was that a proposal to bring the legal bill to the floor had been rejected by the chairman of the Immigration Subcommittee.

Maybe I got the wrong story, but it is my understanding that offer was already extended and rejected. That is why, instead, we are here today trying to merge these issues, notwithstanding the fact that the House sought to split them, notwithstanding the fact that the Senate Judiciary Committee sought to split them. But I will reserve further comments for the moment. I see other speakers here.

Mr. SIMPSON. Madam President, I appreciate that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I guess I remain somewhat skeptical—not of the Senator. Of course there is no House conference, but we will hold the debate. I think that is good. It will be good for America. I yield to the Senator from Texas—I yield the floor.

Mr. GRAMM addressed the chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I rise in opposition to the pending amendment. There is something in American folklore that induces us to believe that America has become a great and powerful country because brilliant and talented people came to live here. There is something in the folklore of each of our families that leads us to believe that we are unique. We all have these stories in the history of our families, of how our grandfathers came here as poor immigrants who did not speak the language.

I love to tell the story of my wife's family. My wife's grandfather came to America as an indentured laborer, where he signed a contract to come to America with a sugar plantation where he agreed to work a number of years to pay off that contract. And, when he had worked off that contract, he looked in a picture book and picked out the picture of a young girl and said, ''That's the one I want.'' And he tore that picture out of the book and sent for her to come to America to be his wife.

His son became the first Asian American ever to be an officer of a sugar company in the history of Hawaii. And his granddaughter—my wife—became Chairman of the Commodity Futures Trading Commission which, among other commodities and commodity futures, regulates the market for cane sugar in the United States of America.

I could have told much the same story about Spence Abraham, and about his grandfather coming to this country, and about my own grandfather, who came from Germany. But the point is, each of us in our own family has a folklore that basically tells a story, and the story is partly true but it is not totally true.

Folklore holds that America became a great country because of us; that America is a great and powerful country because these brilliant people from Lebanon and from Korea and from Germany and from everywhere in the world came to live here and their innate genius made America the richest, freest and happiest country in the world.

And because we believe that, we believe that America became great because we were unique and this miracle only worked for us, but it is not going to work for other people; that is, if people come here and they look different than we do or they sound different than we do or if their customs are different than ours or if their native clothing is different than ours, somehow they are different where we were unique and made America great by our coming, they are ''different'' and it will not work on them. That is a myth, and this amendment is based fundamentally on a belief in that myth.

America is not a great and powerful country because the most brilliant and talented people in the world came to live here. America is a great and powerful country because it was here that ordinary people like you and me have had more opportunity and more freedom than any other people who have ever lived on the face of the Earth. And, with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things.

While it is somehow not so reassuring about ourselves to say it, it is very reassuring about our country to know it. Most of us would be peasants in almost any other country in the world. We are extraordinary only because our country is extraordinary.

Now, with the best of intentions, this amendment says that we have immigrants coming to America and by getting here and getting a foothold and getting a job and building a life, that they are reaching out as each of us would do if we came from somewhere else, and they are trying to bring their mama and their daddy and their sisters and brothers and their cousins and their aunts to America. So what?

Let me just take that one point and develop it for a moment, if I may. Of all immigrant groups in America, to the best of my ability to ascertain, the identifiable group that uses things like the fifth preference in the immigration laws, the people who are the most focused on their extended family, the people, as immigrants to America, who have reached out the most to try to bring their families to America, are people who are from the Indian subcontinent.

Probably more than any other immigrants, at least if one looks at the use of things like the fifth preference—and I am not an expert in this area, but a fifth preference is a preference where you are trying to bring somebody in who is not, by the conventional definition, that close kin—this is a group that has used this provision of law that this amendment tries to reduce.

Let us look at a subsample of this group—Indian Americans. No. 1, of all identifiable ethnic groups in America, Indian Americans have the highest per capita income. Some people might find that shocking. The average Indian American in this country makes more money than does the average Episcopalian—which, if you break down by religious groups, is the highest income group in America. The average Indian American makes substantially more money than the average American who traces his or her lineage back to Great Britain. Madam President, 50 percent of all motels in America are owned by Indian Americans. In fact, 80 percent of them have the same family name. If you go to a hotel and you see an Indian American working there, and the chances are you are going to, and you want to guess at his name or her name, say, ''Mr. or Mrs. Patel,'' and you are going to be right 80 percent of the time. Now, this is not the same family, but it is a very common name.

The point being, why in the world are we trying to keep out of America an ethnic group that has the highest per capita income and the highest average education level in the country? It struck me as I was walking over here for this debate, I was talking to my youngest legislative assistant, named Rohit Kumar, Indian American, honor graduate from Duke University, that his family story is a perfect example of why we ought to crush this amendment. Let me just tell his family story.

His father and mother came to this country in 1972. They did not come on any kind of family preference. They were original immigrants. They both became medical doctors.

They then started the process of bringing their family to America. They brought their brother. He became a doctor. In fact, he is an oncologist in northern California. He brought his wife, who became an interior designer. They brought their nephew, who is a computer engineer. And they brought their father.

My point is, and I am a conservative as many of you know, but if we add up the combined Federal income tax that was paid 10 days ago by the people who came to America as a result of this first Kumar who came in 1972, this little family probably paid, at a minimum, $500,000 in taxes. Our problem in America is we do not have enough Kumars, working hard and succeeding. We need more.

Why do we want to stop this process? We want to stop it because somehow we believe that people are changing America instead of America changing people. We could have had this debate in the early 1900's. In fact, my guess is if we went back somewhere, we would find we did have the debate, because in

the years between 1901 and 1910, we had, on average, 10.4 immigrants come to America each year for every 1,000 Americans. From 1911 to 1920, we had 5.7 immigrants per year per 1,000 Americans; from 1921 to 1930, we had 3.5. Today, even though the number of immigrants in 1995 was just 2.8 per 1,000 Americans, some would have us believe we are just being flooded, we are being overrun by these people who become doctors and engineers and pay all these taxes, and I could mention win Nobel Prizes.

I could read the list of foreign-born Americans who have won the Nobel Prize, except the list is too long. I could read down the list of people who have become historic names in the scientific history of our country, names that we now think about and the world thinks about as American names, including Ronald Coase, who won the Nobel Prize in 1991 in economics, and Franco Modigliani, who won the Nobel Prize for economics in 1985. As a graduate student, I had no idea that they were foreign born.

The point is, the list goes on and on, full of people who have come here, who have caught fire, who have unleashed creative genius that has made America the greatest country in the world, and they may have brought their mothers. Great. May it never end. Could America be America without immigrants?

I know there are people who say, ''Well, they're taking our jobs.'' I want to make just one point about that. Go out in Washington today, go to a shoe store where they are repairing shoes, go to a laundry, go into a restaurant, in the kitchen of a restaurant, go any place in America where people are getting their hands dirty, and do you know what they are going to discover? They talk funny.

People who work for a living in America often talk with distinct foreign accents. Do you know why? Because we have a welfare system that rewards our own citizens for not working. A lady in Washington, DC, with one child on welfare, if she qualifies for the four big programs, earns what $21,000 of income would be required to buy. I do not think it is fair to say because people come to America and they are willing to work, when some Americans are not, that they are taking jobs away. I think that is our problem; that is not their problem. I know how to fix that. The way to fix it is to reform welfare and, at least on my side of the aisle, there is unanimity we ought to do that.

Let me also say that there is a provision in the bill—and I am a strong supporter of the underlying bill—that changes law, a change that is needed, and I congratulate our distinguished colleague, Senator SIMPSON, for his leadership in this. He and I worked on this together on the welfare bill. It is part of this bill, and it is vitally important.

We change the law to say that you cannot come to America as an immigrant and go on welfare. We have room in America for people who come with their sleeves rolled up, ready to go to work. But we do not have room for people who come with their hand out.

Let us remember that when people come to America legally and go to work, and with their energy and with the sweat of their brow they build their life, they build the future of our country.

A final point that I want to address is this whole question about the changing nature of immigration. There is something in each of us that leads us to believe that we are the unique Americans, that somehow we made the country what it is, that somehow it was because American immigration in the early days was basically drawn first from northern Europe and then from southern Europe that it made us somehow unique.

I think it was the system that made America, and we might have had this debate in the year of 1900 when the immigration patterns of the country had shifted to southern Europe and eastern Europe. I am sure at the turn of the century there were those in corporate boardrooms who were wondering what was going to happen in America with the changing makeup of the country when they, as people from British stock who had come to the country on the Mayflower or in some historic voyage, had to share their America with Americans who had come from Germany or from Italy or with Americans who had come from all over the world who were of the Jewish faith. I do not doubt somebody in 1900, and maybe a lot of people, worried about it.

But look what happened. Did those of us who came from other places prove less worthy of being Americans than the colonists? Did we find ourselves less worthy successors of the original revolution? I do not think so.

I believe we have room for people who want to come and work because America could not be America without immigrants. The story that is uniquely American is the story of people coming to America to build their dream and to build the American dream. I have absolutely no fear that by people coming to America legally and to work—no one should come to America to go on welfare—that America's future is going to be diminished by that process. I believe their new vision, their new energy will transform our country, as it has always transformed it, and we will all be richer for it.

The bill before us tries to stop illegal immigration. We have an obligation to control the borders of our country.

I am proud of the fact that in my year as chairman of Commerce, State, Justice Appropriations Subcommittee, we began the process to double the size of the Border Patrol and we enhanced the strength of that action in this bill. We deny people who come to America illegally welfare benefits, and we deny those benefits to people who come here legally. We do not want people coming to America to go on welfare.

But I do not believe we have a problem today in America with people who have come to this country and succeeded and who want to bring their brother or their cousin or their mother here. When you look at the people who are doing that, you find that they are the ones who are enriching our country.

A final point, and I will yield the floor. It has struck me as I have come to know ethnic Americans that many ethnic groups fight an unending and losing battle to try to preserve their identity in America. It is a losing battle because what happens is that young people who grow up in this country become Americans. There is no way that can ever be changed. Any differences that concern us very quickly vanish in this country with great opportunity, where people are judged on their individual merit.

What we are talking about today is trying to stop illegal immigration, which is what we should do, but we should not back away from our commitment to letting people come to America to build their dream and ours. We should not close the door on people who want to bring their relatives to America as long as their relatives come to work, as long as they continue to achieve the amazing success that immigrants have achieved in America.

There are a lot of things we ought to worry about before we go to bed every night. We ought to worry about the deficit. We ought to worry about the tax burden. We ought to worry about the regulatory burden. We ought to even worry about the weather. But as long as we preserve a system which lets ordinary people achieve extraordinary things, we do not have to worry that our country is somehow going to be diminished when an immigrant has gotten here, succeeded, and put down roots and then wants to bring a sister or mother to America. If that is all you have to worry about, you do not have a problem in the world. Let me assure you, I do not worry about it. I do not want to tear down the Statue of Liberty. There is room in America for people who want to work.

I remember, as a closing thought, 3 years ago I was chairman of the National Republican Senatorial Committee, and we had a big event where we invited our supporters from all over the country. I do not know whether it just happened to be the letter I sent out that time or what, but for some remarkable reason, about 80 percent of the people who came to this particular event were first-generation Americans. As a result, they all talked funny.

So we were about a day into the meeting and this sweet little lady from Florida stood up in the midst of this meeting and with all sincerity said to me, ''Senator GRAMM, why do all the people here talk funny?'' Boy, there was a collective gulp that you could have heard 100 miles away. So I thought for a minute, and in one of the better answers that I have given in my

political life I said, ''Ma'am, 'cause this is America.''

If we ever get to the point where we do not have a few citizens who talk funny, if we ever get to the point where we do not have a new infusion of energy and a new spark to the American dream, then the American dream is going to start to fade and it is going the start to die. It is not going to fade and it is not going to die on my watch in the U.S. Senate.

I yield the floor.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. GRAMM. I am glad to.

Mr. DEWINE. I just want to compliment my colleague from Texas for one of the most eloquent statements I have heard since I have been in the U.S. Senate, a little over a year. His story of his family, but frankly most particularly his story of Wendy Gramm's family, his lovely wife, is America's story. I have heard him, because he and I have been out campaigning before together, I have heard him tell that story I think eight or nine times. Each time I hear it, I am still touched by it because it is truly America's story.

I will also compliment him on his comments about chain migration. When you look at the chart of chain migration, that is America's story, too. Those are people who are trying to bring their families here. You see it—and, again, it is anecdotal—but you see it when you go into restaurants in Ohio or you go into dry cleaning stores or you go into any kind of establishments in Ohio, Washington, or Texas.

You see people in there who, you just assume they are all family. You do not know whether they are brothers or cousins or who. They are all working. They are working. That is what is the American dream. That is what has made this country great. I just want to compliment him on really, after kind of a long, difficult debate, coming over to the floor and really cutting through some of our rhetoric and just getting right down to it. I compliment him for that.

Mr. GRAMM. I thank the Senator very much.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I think we have had a good debate. I listened attentively to the remarks of my friend from Texas. I heard him speak of a woman who is remarkable, Wendy Gramm. I can only tell him that people have told me many times in the past years that anyone who knows Senator PHIL GRAMM and Senator AL SIMPSON and knows Wendy Gramm and Ann Simpson, knows that the two of us severely overmarried—severely. In fact, a lot of people do not vote for us; they vote for them. But that is just an experience that I share.

As we close the debate, I hope we can keep this in perspective. We will continue to have the most open door of any country in the world, regardless of what we do here. The numbers in my amendment are higher than they have been for most of the last 50 years. We will continue to have the most generous immigration policy in the world. We take more immigrants than all the rest of the world combined. We take more refugees than all the rest of the countries in the world combined. That is our heritage. We have never turned back.

An interesting country, started by land gentries, highly educated people, sophisticates who came here for one reason—to have religious freedom. The only country on Earth founded in a belief in God. That is corny nowadays, but that is what we have in America. And it will always be so. People who came here were not exactly ragamuffins. They read Locke and Montesquieu and Shakespeare and the classics. Interesting country. No other country will ever have a jump-start like that in the history of the world, period. So it is unique, it is extraordinary.

AMENDMENT NO. 3737

Mr. SIMPSON. Let me have a call for the regular order. I alert my friend, Senator KENNEDY, that I call for the regular order with respect to the Coverdell amendment of last night. That was 3737. It was laid down. There was debate. It was held back, the Coverdell amendment.

Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The amendment is now before the Senate.

(The text of amendment No. 3737 was printed in the RECORD of April 24, 1996.)

Mr. SIMPSON. Mr. President, I know of no other speakers on that amendment. I believe the managers are prepared to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3737) was agreed to.

Mr. SIMPSON. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3739

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3739.

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

The PRESIDING OFFICER. Is there a sufficient second. There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment N0. 3739. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 20, nays 80, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—20

Baucus	Faircloth	Lott
Brown	Grassley	Reid
Bryan	Hollings	Roth
Burns	Jeffords	Shelby
Byrd	Johnston	Simpson
Cohen	Kassebaum	Thomas
Exon	Kyl	

NAYS—80

Abraham	Ford	McCain
Akaka	Frist	McConnell
Ashcroft	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Pell
Bumpers	Hatfield	Pressler
Campbell	Heflin	Pryor
Chafee	Helms	Robb
Coats	Hutchison	Rockefeller
Cochran	Inhofe	Santorum
Conrad	Inouye	Sarbanes
Coverdell	Kempthorne	Simon
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Lautenberg	Thompson
Dole	Leahy	Thurmond
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Feingold	Lugar	Wyden
Feinstein	Mack	

The amendment (No. 3739) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—H.R. 3103

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate insist on its amendment to H.R. 3103, the Senate request a conference with the House, and that the Chair be authorized to appoint conferees on part of the Senate.

Mr. KENNEDY. Reserving the right to object, Mr. President, I ask unanimous consent that the request be modified to provide for the appointment of eight Republicans and six Democrats from the Committees on Labor and Human Resources and the Finance Committee instead of the 7 to 4 ratio proposed by the majority leader.

Mr. LOTT. Mr. President, let me clarify the situation. Let me ask for a clarification and the parliamentary situation.

Is the Senator from Massachusetts asking for a modification of my unanimous-consent request that you have appointments to this conference as he outlined just from the Labor Committee and the Finance Committee?

The PRESIDING OFFICER. That is the Chair's interpretation.

Mr. LOTT. I would be constrained to object to that modification of the unanimous-consent request.

Mr. KENNEDY. Then I object to the proposal of the Senator from Mississippi.