The Convention met behind closed doors from May 25 to September 17, 1787. Fifty-five of those 74 delegates who were chosen participated, and 39 of the 74 signed the Constitution of the United States. I can see in my mind's eye a SAM NUNN in that gallery. I might well imagine that, as they met from day to day, if SAM NUNN had been a participant, they would have come, as they come here when Members of this body gather in the well, and asked, ''What does SAM NUNN think about this?'' I have no difficulty in imagining that. In such an august gathering as was that Convention, which sat in 1787, with George Washington, the Commander in Chief at Valley Forge and the soon-to-be first President of the United States, I can imagine that it would have been the same there. They would have said, ''What does SAM NUNN think? How is he going to vote?''

The First Congress was to have convened on March 4, 1789. And only 8 Senators—less than a quorum—of the 22 were there on March 4, 1789. Five States were represented—New Hampshire, Connecticut, Massachusetts, Pennsylvania, and Georgia. And the Senator from Georgia who attended that day was William Few.

It could very well have been SAM NUNN as a Member of that first Senate, serving with Oliver Ellsworth, Maclay and Morris, and others. And as they met to blaze the pioneer paths of this new legislative body, the U.S. Senate, I have no problem in imagining that, often, those men would have turned to SAM NUNN and said, ''How are you going to vote, SAM?'' ''How is SAM going to vote?''

I think every Member of this body shares with me that feeling about SAM NUNN. He could have been an outstanding U.S. Senator at any time in the history of this Republic—not this democracy. When the Convention completed its work, a lady approached Benjamin Franklin and said, ''Dr. Franklin, what have you given us?'' He didn't answer, ''A democracy, Madam.'' He said, ''A republic, Madam, if you can keep it.''

Now, what is there about SAM NUNN that makes him this kind of man? He is not the typical politician that one conjures up in his mind when thinking about Senators and other politicians. Senator NUNN is not glib. He doesn't jump to hasty conclusions.

He does not rush to be ahead of all of the other Senators so that he will get the first headline. He thinks about the problem, and he logically, methodically, and systematically arrives at a decision. Then he carefully prepares to put that decision into action.

I suppose that had he lived at the time of Socrates, who lived during the chaos of the great Peloponnesian wars, SAM would have been out there in the marketplace debating with Socrates, about whom Cicero said he ''brought down philosophy from Heaven to Earth.'' SAM would have been a hard man for Socrates to put down because he has that talent, that knack of thinking, an organized thinking, and the consideration of a matter logically, carefully, and thoroughly. He is truly a man for all seasons. His wisdom, his judgment, and his statesmanship have reflected well on the profession of public service at a time when fierce ''take-no-prisoners politics'' has embroiled the Nation to alarming degrees.

Napoleon did not elect to go into Spain, and Wellington was concerned that Napoleon himself might lead. Wellington later told Earl Stanhope that Napoleon was superior to all of his marshals and that his presence on the field was like 40,000 men in the balance. SAM NUNN, the 1,668th Senator to appear on this legislative field of battle, is like having a great number in array against or for your position.

I was looking just this morning over the names of those Senators who are leaving, and examining their votes on what is called pejoratively the Legislative Line-Item Veto Act of 1995. Of those Senators who are leaving, seven voted against that colossal monstrosity, for which many of those who voted will come to be sorry. If this President is reelected, he will have it within his power to make them sorry. He is just the man who might do it.

Among the departing Senators, SAM NUNN is one of those who opposed that bill. Senator HEFLIN, Senator JOHNSTON, Senator PELL, Senator PRYOR, Senator COHEN, Senator HATFIELD, and Senator NUNN voted, to their everlasting honor, against that miserable piece of junk.

Just wait until this President exercises that veto and see how they come to heel—h-e-e-l. They will rue the day. But SAM NUNN voted against it.

For the outstanding quality of his character as well as for the brilliance of his service, this Senate and the Nation are eternally in his debt. He will always command, in my heart and in my memory, a place with Senator Richard Russell.

God, give us men. A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagog
And damn his treacherous flatteries without winking.
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo. Freedom weeps,
Wrong rules the land and waiting justice sleeps.
God give us men.
Men who serve not for selfish booty,
But real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth.
Then wrongs will be redressed and right will rule the earth.
God, give us men.

men like SAMUEL AUGUSTUS NUNN.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCCONNELL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, if Senator NUNN would care to make any comments, I would be pleased to defer to him.

Mr. GRAMS. Will the Senator yield for a moment? I ask unanimous consent to follow the Senator's 30 minutes with 15 minutes.

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

Mr. NUNN. I am left speechless after listening to my friend ROBERT BYRD. So I will reserve my time. Thank you.

CONFERENCE REPORT TO ACCOMPANY ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. GRAHAM. Mr. President, we will soon begin a debate on the conference report entitled ''Illegal Immigration Reform and Immigrant Responsibility Act of 1996.'' I am concerned that, when we commence that debate, we are not going to be in as advanced a position as we should be, for several reasons—two in particular.

One of those is that, when this legislation was considered in the House of Representatives, a provision was attached which would have given to individual States the prerogative of denying public education, elementary and secondary education, to the children of illegal immigrants. That provision became so inflammatory that it tended to focus total attention on this legislation on that single provision. That provision has now been eliminated. It has been withdrawn. Therefore, we are now focusing for the first time on the totality of this legislation.

A second reason why we are not in as advanced a position as we should be for legislation which is as significant as this, has to do with the process by which this conference committee prepared its report. First, it was an elongated process that took many weeks and months to reach the conclusion that is now before us. But it was also essentially a closed process. Not only were many of the members of the conference committee not given the opportunity to participate, at the conclusion of the conference they were not even allowed to offer amendments to try to modify provisions which were found to be objectionable. So we have a product today which has not had the kind of thoughtful dialog and debate which we associate with a conference report which is presented to the U.S. Senate for final consideration.

For this reason, I joined those who urge that objectionable provisions in

this act—and I will use the bulk of my time to attempt to outline what I consider some of those objectionable provisions—be excised, be eliminated, from this conference report, or, failing to do so, then that the conference report, regrettably, be rejected.

I speak to this position based on some principles of fundamental fairness to all of those who will be affected by this legislation entitled ''Illegal Immigration Reform and Immigrant Responsibility Act of 1996.'' I speak not only for the legal immigrants who will feel the full weight of this report, which is supposed to deal not with legal immigrants, but, by its title, with illegal immigration; but I also speak of the apparent, and not so apparent, adverse effects that this will have on the States and local communities in which most of the persons affected live.

This Congress has spent an enormous amount of time discussing immigration. I fully support the mandates which were passed to help assure that individuals do not enter this country illegally. The U.S. Government has a fundamental responsibility to enforce the laws which this Congress passes. Unfortunately, we have failed to do so as it relates to our immigration laws, and, thus, we have millions of illegal aliens within our society.

I am proud of the fact that this legislation includes steps such as strengthening our Border Patrol. These are the hard-working officers who are our first line of defense against illegal immigration. I do not contest, but, in fact, fully support, better enforcement and funding to prevent illegal immigration, including those steps that would demagnetize jobs as a reason why illegal aliens come to the United States.

Our Government has brought an unfair and strenuous burden to many States in the form of allowing thousands, in some cases millions, of illegal immigrants to enter within their borders. Florida has been particularly affected because of its unique geographic location, its diverse population, its temperate climate.

Our Government, for several decades, has made Florida the gateway to immigrants arriving from South America and the Caribbean basin. A large majority of those who seek to be called Americans are Floridians. These new arrivals, those who come legally, those who come playing by the rules, are, in large part, law-abiding citizens. They work hard, they pay taxes, they ask nothing of our Government other than the opportunity to eventually be called a citizen of the United States of America.

But on occasion, as may happen to native-born Americans, a circumstance arises where assistance is needed. In the past, our State and local communities have scraped by doing all that was possible to assist these newcomers. The Federal Government was frequently a partner of States and communities in providing assistance in unexpected emergency conditions.

Mr. President, we are now faced with the prospect of trying to continue our humanitarian efforts without that Federal partner and, thus, with even fewer resources available from the National Government a greater demand for those resources from the States and local communities which are affected.

In some ways, we have come to the conclusion that eliminating even minimal benefits to legal immigrants will somehow solve our illegal immigration problem. This is not true. In reality, it only hurts those who follow the rules, those who made every effort to enter the United States in a lawful, orderly, documented manner, and it hurts our communities, it hurts those cities and towns that provide services to legal immigrants and now will receive no assistance from the Federal Government.

This, Mr. President, is wrong. We speak so often of the Federal-State partnership. The Federal Government, in this case, is no longer a partner to our States and communities. This is unfair—and for many reasons, of which I will only discuss a few this evening.

It is within the purview and responsibility of Congress to act to end and to avoid further extension of this unfairness. My State of Florida brought suit in the Federal courts, brought suit on the basis that our State had been asked to shoulder hundreds of millions of dollars of responsibilities for legal and illegal immigrants, responsibility which should have been a national obligation.

As the 11th Circuit Court of Appeals explained in its 1995 decision, Chiles versus the United States:

> The overall statutory scheme established for immigration demonstrates that Congress intended whether the Attorney General is adequately guarding the borders of the United States to be ''committed to agency discretion by law'' and, thus, unreviewable. Florida must seek relief in Congress. We conclude that whether the level of illegal immigration is an ''invasion'' of Florida and whether this level violates the guarantee of a republican form of government presents nonjusticiable political questions.

Essentially, what the court was saying is, do not come to us for justice. You must seek justice in the political arm of the Federal Government, the Congress of the United States.

I state tonight, Mr. President, that the legislation which is before us is not just and does not treat our communities and our States fairly.

What are some of the bill of complaints against this legislation, that it is unfair to the States and communities of America? Let me list a few of those complaints.

This legislation extends a concept which has been in our immigration law and which was used extensively in the immigration changes made as part of the welfare reform bill passed earlier in this session of Congress, referred to as ''deeming.''

What is deeming? Deeming, essentially, is a concept that states that the income of the individual who sponsored a legal immigrant into the United States is deemed—d-e-e-m-e-d—deemed to be the income of the person who was sponsored. This concept of deeming is now applied to persons who came into the United States in the past, when the concept behind the law of sponsorship was different, where the sponsor's affidavit of sponsorship was not legally enforceable.

The rules have changed on these law-abiding citizens in the middle of the game. The sponsor who put his name behind a legal immigrant coming to the United States under the rules that existed up to 5 years ago is now being told retroactively, ''You have just taken on very significant new financial responsibilities.''

Under the welfare bill, these new deeming restrictions only apply to newly arrived immigrants. Under this conference report, deeming is applied retroactively to legal immigrants who came to the United States within the last 5 years. As a result, sponsored legal immigrants who came into the United States under the old rules stand to lose access to dozens of programs, including prenatal care, nonemergency Medicaid, Head Start and job training.

These provisions will require a further cost shift to the States who will now have to shoulder the burden of these Federal programs which will no longer be available.

Another item in that bill of particulars of unfairness is Medicaid. Even though the welfare bill contains no immigrant restrictions on the use of emergency Medicaid, the conference report provides that if a legally sponsored immigrant has an emergency and uses Medicaid, the sponsor becomes liable for the entire cost of care, without limitation.

What does this mean, Mr. President? This means that if a sponsor has brought in a legal immigrant and that legal immigrant is hit by a truck or contracts cancer or any of the other items that might result in a serious emergency circumstance, the sponsor would be legally responsible for all of those medical costs. Realistically, most sponsors would not be able to pay, and, therefore, what will happen? This will just become another uncompensated burden on the hospital or health care provider.

While I support the idea that sponsors should be required to provide housing, food, or even cash assistance to immigrants who have become unable to provide for themselves, even the most responsible sponsor may not always be able to finance health care, care for illness or serious disease or injury.

Mr. President, as I said, we are going to apply, retroactively, standards to those persons who have sponsored legal aliens, such as their parents or a child, into the United States and now, retroactively, are going to have to take on additional responsibilities which were unknown to them at the time that they entered into that sponsorship relationship.

Also, I will discuss some of the changes which have been made in Medicaid, the program that provides health care to indigent Americans, which today is available to legal—legal—aliens. I underscore that difference between those persons who are here because they follow the rules and those persons who are in the country because they broke the rules. We are talking now exclusively about people who are here legally.

One of the changes that has been made in the Medicaid Program states that a sponsor, including those who are being swept up in this retroactive provision, will now have to be financially responsible for the emergency medical services provided under Medicaid to those persons who they have sponsored into this country. If their mother that they sponsored contracts cancer, or a child is hit by a car and suffers a serious injury, those kinds of costs now will become the responsibility of the sponsor. Even more egregious, if the sponsor is unable to meet those expenses, it then becomes an obligation of the provider to accept those costs as unreimbursed medical expenses. In most cases, they are going to end up being the unreimbursed medical expenses of an emergency room in a public hospital.

One final part of this is that if the sponsor can't pay, and if the person who they sponsored can't pay, then that sponsored individual will be barred from becoming a naturalized citizen of the United States until the bill is paid, which means that this child, who may have suffered this injury in youth, is going to be permanently precluded from becoming a U.S. citizen, unless they are able to achieve a financial status to pay off this emergency medical bill.

A third problem with this legislation, Mr. President, relates to the treatment of communicable diseases. This conference report, I find, unbelievably, provides that under no circumstances will the Federal Government provide funding for the treatment of HIV and AIDS-infected patients who are legal immigrants. This, I thought initially, this must have been a misprint. But when you read the conference report on page 239, it states explicitly,

> The exception for treatment of communicable diseases is very narrow. The managers intend that it only apply where absolutely necessary to prevent the spread of such diseases. The managers do not intend that the exception for testing and treatment for communicable diseases should include treatment for the HIV virus or Acquired Immune Deficiency Syndrome.

I represent a State where we have many persons who come from areas of the world—many within this hemisphere—which have a high incidence of HIV and AIDS. What this bill says is if a person is in this country as assailees, refugees, parolees, or whatever status, is found to have HIV or AIDS, the Federal public health service cannot use its resources to treat those persons. Mr. President, I find this to be unbelievable. Are we just going to ignore this deadly disease and hope that, for humanitarian reasons, or public health concerns, the State or local agency will again shoulder this national obligation for persons who are in this country under national immigration laws?

The Medicaid provisions, the deeming provisions, and sponsor affidavits are currently nothing more than a means of shifting costs to States, local government agencies, and our Nation's hospital system. Simply, if people are sick and cannot afford to pay for coverage of a disabling condition, somebody will absorb those costs. The question is whether the Federal Government will help to pay a portion of that cost, or whether such cost will be shifted entirely to States, local governments, and health care providers.

This bill does not protect the health care providers, even though it is the Federal Government's health care policy which requires the health care provider to render such medical assistance.

The Federal Emergency Medical Treatment and Labor Act requires that all persons who come to a Medicare-participating hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency, and if they are found to be experiencing such a medical emergency, that they receive stabilizing treatment before being discharged or moved to another facility.

Federal law requires all hospitals that have emergency rooms, that receive Medicare participation, must provide those services, without regard to the ability of the person who has presented themselves for such care to pay. And now we are saying that the Federal Government is going to be a ''deadbeat dad'' by sticking those health care providers with the full cost, without a Federal sharing and participation.

Mr. President, the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities, has written on April 25 of this year, in anticipation of just exactly what is before us now, with the following statement:

> Without Medicaid eligibility, many legal immigrants will have no access to health care. Legal immigrants will be forced to turn to State indigent health care programs, public hospitals, and emergency rooms for assistance, or avoid treatment altogether. This will in turn endanger the public health and increase the cost of providing health care to everyone.

For the Medicaid caseworker as well as all other State and Federal programs he or she must now learn immigration law as well and the Medicaid system.

As a study by the National Conference of State Legislatures notes, this conference report would require an extensive citizenship verification made for all applicants to the Medicaid Program.

In addition to the costs to determine eligibility, States will also have infrastructure, training and ongoing implementation cost associated with the staff time needed to make a complicated deeming calculation. The result will be a tremendous, costly and bureaucratic unfunded mandate on State Medicaid Programs.

Mr. President, another item in the bill of particulars of unfairness of this immigration bill relates to parolees and their inability to work. I would put this in the specific context of an agreement which the United States had entered into with Cuba.

Under that agreement which was intended to avoid another repetition of the mass rafting explosion which we have experienced on several occasions since Fidel Castro came to power in Cuba, the United States now allows 15,000 Cuban immigrants per year to enter the United States. Approximately 10,000 of those who have arrived per year under this agreement have been under the category of parolees.

Under this bill, as parolees they will be prohibited from working in most jobs 1 year after they arrive here. How can that be? It can be because the conference report provides that after 1 year of entry into the United States, a person who is legally in this country, classified as a parolee for humanitarian reasons, would be ineligible to obtain or maintain the following:

They could not receive any State or Federal grants; any State or Federal loan; any State or Federal professional license; and, believe this, Mr. President: They could not receive a State driver's license or a commercial license.

Where are these legal immigrant parolees going to work without a driver's license, without a work permit, without a commercial license? Who will assume the burden of caring for these legal immigrant parolees who are in our country? Of course, the cost of their care will shift to the local community, even though it was through Federal Government action—and in the case of the United States-Cuban agreement, Federal Government foreign policy considerations, which brings them to this country in the first place, and then tells them that they cannot drive and that they cannot hold a job.

The conference report that is before us is a huge cost shift to State and local governments that will impose an administrative burden and huge unfunded mandate on State governments to verify eligibility for applicants.

Mr. President, one of the first priorities of this 104th Congress was S. 1, the Unfunded Mandate Reform Act of 1995. It was a top priority of the House of Representatives. It passed both bodies in the first 100 days of this session.

The purpose section of the Unfunded Mandate Act stated that the:

> Purposes of this act are to strengthen the partnership between the Federal Government and State, local, and tribal governments to end the imposition in the absence of full consideration by Congress of Federal mandates on State, local, and tribal governments without adequate Federal funding.

Mr. President, this conference report breaks every premise and breaks every basis of the unfunded mandate law because this conference report on immigration requires all Federal, State, and local means-tested programs, as well as programs such as State driver's licenses, State licensing departments, for State occupational licenses as well as any grant or funding to first determine whether the individual applying is an eligible immigrant.

The National Conference of State Legislatures just yesterday, September 26, 1996, indicated that the mandates of this conference report will:

impose new unfunded mandates on State and local governments regarding deeming requirements for determining immigrant eligibility for all Federal means-tested programs. These provisions create new unfunded Federal mandates, defying the intent of the S. 1, the Unfunded Mandates Reform Act.

This bill requires States to deem many immigrants currently residing in the United States who do not have enforceable affidavits of support. These requirements will place an excessive administrative burden on States by shifting massive costs to State budgets. As we have consistently stated on numerous issues, if the Federal Government expects States to administer Federal programs related to Federal responsibilities, full Federal funding must be provided.

What are some examples of this massive shift? Let me use the example of my own home State of Florida.

For professional and driver's licenses, the State of Florida estimates that it will cost approximately $31 million to verify and recertify 13.7 million driver and professional licenses. This figure does not include State administration and initiation costs, nor does the figure include the amount it will cost to verify new applications for these licenses. This is just the cost to verify those that are already outstanding.

Occupational licenses: To determine eligibility for occupational licenses based on immigration status, it is estimated that $16 million annually will be passed on to the small businesses of my State of Florida.

AIDS patients: Jackson Memorial Hospital in Miami alone cares for between 1,500 and 2,000 noncitizen AIDS patients annually. The estimated cost to treat noncitizen AIDS patients for this one hospital will be at least $4 million a year.

Mr. President, in summary, this conference report violates basic concepts of fairness and adds new and, in many cases, retroactive restrictions on legal immigrants. It imposes cost shifts to local and State governmental agencies in order to comply with its unfunded mandates. It violates the legislation which we passed and which we have taken great pride in: The Unfunded Mandate Reform Act of 1995.

If this is not an unfunded mandate, what could be an unfunded mandate?

As currently drafted, the conference report would have the following negative consequences: It shifts costs to States, local governments, and hospitals; it imposes an administrative unfunded mandate on State Medicaid programs; and it is not cost effective.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after my remarks a series of documents, including letters from the National Association of Counties, from the National Conference of State Legislatures, editorials which have appeared criticizing sections of this immigration conference report, and a letter from the Governor of Florida outlining the impact that this will have on our State.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, for the reasons stated, I urge that this Senate, before it takes up at this late hour important legislation which will have the kind of far-reaching effect that this immigration bill will have, that we consider carefully the impact that this is going to have on the States and communities that we represent.

I urge that we either delete those provisions from this conference report or that the conference report be rejected.

I thank the Chair.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. GRAHAM. I yield back the remainder of my time.

EXHIBIT 1

NACO NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, September 26, 1996.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to urge you to exclude from the conference agreement on immigration (H.R. 2202) provisions that mandate new federal requirements for certificates and drivers licenses, and adds new deeming requirements to determine immigrant eligibility for federal means tested programs. The National Association of Counties (NACo) considers these provisions to be unfunded mandates as a well as a preemption of local authority. While NACo shares the goal of solving the problems posed by illegal immigration, we urge you to oppose the bill if these provisions are not deleted from the conference report.

Although the birth certificate and drivers' license provisions have improved somewhat by extending the implementation date and making a general reference to federal grant funds, these changes are minimal. Extending the implementation date may avoid the Unfunded Mandates Reform Act threshold of $50 million a year, but it masks the fact that county and state governments will still have to bear the brunt of these expenses. Additionally, these are documents that fall clearly under the jurisdiction of state and local governments. Mandating federal standards on these documents preempts state and local authority and is a hardship on citizens and noncitizens alike.

The deeming requirements in the conference agreement go beyond the stringent requirements in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193). This law already made the affidavits of support enforceable and extended deeming to federal means tested programs for immigrants with new affidavits of support. The conference agreement, however, would also applying deeming to current legal residents who do not have enforceable affidavits of support. By making this retroactive change, the bill places additional administrative burdens on counties and shifts more costs from the federal programs to county general assistance programs.

NACo appreciates your consideration of these issues. We urge you again to removed these provisions from the conference agreement, or vote against the legislation if they continue to be included.

Sincerely,

LARRY NAAKE,
Executive Director.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, September 26, 1996.

DEAR SENATOR GRAHAM: On behalf of the National Conference of State Legislatures, we again urge you to exclude from the conference agreement on immigration legislation, H.R. 2202, provisions that (1) federalize the current state and local driver's license and birth certificate issuance process and establish federal document content standards for both, and (2) impose new unfunded mandates on state and local governments regarding deeming requirements for determining immigrant eligibility for all federal ''means-tested'' programs. These provisions create new unfunded federal mandates, defying the intent of S. 1, the Unfunded Mandates Reform Act. They unnecessarily preempt traditional state auhtority. The provisions also create a ''one size fits all'' administrative process, contradicting the entire spirit of devolution. Furthermore, NCSL believes that these provisions will create an identification nightmare for citizens and legal immigrants. We share with you the goal of managing and resolving issues regarding illegal immigration. However, should these provisions remain in the conference report, NCSL urges you to to oppose the bill.

We have noted in previous communications that federalization of the driver's license and birth certificate processes is unnecessary, inappropriate and a misguided intrusion into a traditional state and local government responsibility. The conference agreement does improve on language from S. 1660, allowing states to be exempted from using Social Security Numbers on driver's licenses if they satisfy certain federal requirements, moving the implementation date to the year 2000, and alluding to some federal grant funds that may be available to help states pay for the new mandates. However, these are minimal changes at best. We see no compelling public policy reason for the federal government to strip states of their authority regarding driver's licenses and birth certificates nor to endorse an identification mechanism fraught with potential for fraud and abuse. The bill still places enormous unfunded federal mandates on state and local governments.

The deeming requirements in the immigration reform legislation go well beyond those in the recently enacted welfare reform legislation. The welfare reform law already makes new affidavits of support legally enforceable and extends deeming requirements to all federal means-tested programs for sponsored immigrants with the new affidavits. This bill requires states to deem many immigrants currently residing in the U.S. who do not have enforceable affidavits of support. These requirements will place an excessive administrative burden on states and shift massive costs to state budgets. As we have consistently stated on numerous issues, if the federal government expects states to administer federal programs related to federal responsibilities, full federal funding must be provided.

We appreciate your consideration of our positions. We urge you again to exclude the

aforementioned provisions from any conference report or oppose the report should they be included.

Sincerely,

WILLIAM T. POUND,
Executive Director.

THE GOVERNOR OF
THE STATE OF FLORIDA,
September 23, 1996.

Hon. BILL MCCOLLUM,
House of Representatives,
Washington, DC.

DEAR BILL: I'm pleased to hear that you and Clay Shaw are conferees on the comprehensive immigration bill (H.R. 2202) as immigration policy certainly continues to be of major importance to Floridians.

We've previously discussed my opposition to provisions which deny critical assistance to legal tax paying residents of this country who have come here through the legal process and have been law abiding members of our society. As you're well aware, I have been particularly concerned about these provisions and their impact on our Cuban community and am still hopeful that Cuban/Haitian entrants will continue to be given access to all programs as they were under Fascell/Stone. The fiscal impact of the new restrictions on our State and local governments is still being assessed but will obviously be an additional burden.

However, I want to comment on what I see as major conflicts and discrepancies in this conference version language. It appears that the language of H.R. 2202 prohibiting any public benefit to certain legal immigrants is even more restrictive than the new welfare law which as a significant impact on Florida and other states with large immigrant populations.

It has been over month since the President signed the welfare bill into law. In those weeks, Florida has moved aggressively forward in preparing its state plan and has submitted it to HHS in order to begin implementation by October 1. We have made every effort to provide for a reasonable transition to allow affected families to explore their options and make other arrangements for future needs. Further sweeping restrictions for legal immigrants will require more alterations in administrative processes and will certainly complicate and frustrate an orderly implementation of the law and create disruption in medical care, children's services and other programs in our State.

I certainly understand and appreciate some of the enforcement provisions of the bill which are directed at controlling immigration. As you know, Florida has recently entered into a unique partnership with the federal government to combat illegal immigration—the Florida Immigration Initiative—and continues to strive to assist where the State has a role in controlling our borders.

It is my hope that you and the other conferees will focus on these enforcement tools and delete the provisions restricting assistance to legal immigrants in light of the welfare reform restrictions which are already being interpreted and acted upon in many instances.

I appreciate your continued attention to our concerns in Florida. Please call on me if I can be of any assistance to your efforts.

With best regards, I am

Sincerely,

LAWTON CHILES.

STOP THE IMMIGRATION BILL

(By The Miami-Herald)

Republicans in Congress eliminated one of the more onerous provisions of the immigration bill yesterday. Resisting pressure from presidential hopeful Bob Dole, they struck out language that would have kept the children of illegal immigrants out of public schools.

It was a wise and humane move, but not nearly wise nor humane enough: The deletion simply turned a terrible, mean-spirited bill into a very bad one.

It is every country's duty to control its borders and to insist on orderly immigration, but this bill oversteps duty. Its most xeonophobic provisions subvert cherished American traditions, including the offer of asylum to the persecuted and the guarantee of equal rights to all.

The bill would summarily—without meaningful access to counsel—exclude asylum seekers who arrive in the United States undocumented. This is heartless. It also violates our international obligations, established by treaty, regarding refugees.

Men and women fleeing oppression are often forced to seize the moment. They don't have the leisure to gather visas and passports. They arrive fearful and scared; often they are unable to speak English well enough to make their plight understood. The United States takes in a tiny share of the men and women who ask for asylum across the world. Last year, it amounted to less than 1 percent of asylum seekers. We can afford to help them, and we should be glad to do it.

The reunification of families divided by legal immigration would also be encumbered by the bill, which requires sponsors—to have incomes significantly higher than present law demands.

In addition, the bill goes well beyond the recently enacted welfare reform legislation in limiting the access that legal immigrants have to government programs. For example:

Legal immigrants would be deported if they receive certain types of government assistance—child care and housing among them—for more than 12 months during their first seven years in the United States.

After a year in the United States, people who have been paroled and who are not yet legal residents—would become ineligible for means-tested assistance, as well as for grants, professional or commercial licenses, even driver's licenses.

These provisions make the immigration bill unacceptable. It deserves a veto. President Clinton should not try to wash his hands of responsibility, as he did with the most Draconian elements of last summer's welfare reform. That bill was not perfect, he essentially said then, but it was the best we could.

The immigration reform is certainly not the best we can do, and we should not settle for it.

IMMIGRATION POLITICS

In an effort to salvage the illegal immigration reform bill, congressional Republicans finally backed off their plan to penalize the school children of illegal immigrants—and bucked Bob Dole, their presidential candidate, in the process. Unfortunately, the bill they struggled to save is still a severely flawed piece of work.

Though the proposal to allow states to deny public education to illegal immigrants was a cornerstone of the House-passed version, it faced a Senate filibuster and a presidential veto. Anxious to save both face and the remainder of the bill, Republicans agreed to uncouple the education proposal from the rest of the bill and vote separately on each.

Dole belatedly endorsed the move in a letter to conferees. But earlier this month, he tried to strong-arm his former colleagues into retaining the controversial amendment in an attempt to torpedo the immigration reform bill—one he had supported when he was in the Senate—to keep Clinton from scoring political points. That's not just hard-ball. That's irresponsible. Congressional Republicans deserve some credit for defying Dole, even if they acted out of political self-interest. The Republicans want to take an immigration bill, even a watered-down one, back home to their constituents before election time.

Though improved, the bill has other problems which still merit that presidential veto. The conference report gives virtually unchecked authority to the Immigration and Naturalization Service to turn away immigrants, with false papers or none, who seek asylum from genocide, political death squads or other forms of persecution. Though the conferees softened this summary exclusion procedure by inserting a meager administrative review, that is still not sufficient. Also included are restrictions on benefits to legal immigrants more onerous than those contained in the new welfare bill. These defects overshadow the bill's constructive provisions, such as a doubling of the number of Border Patrol officers.

The Clinton administration has voiced tepid concern and has so far withheld its promise of support. But undoubtedly eager to claim victory himself, Clinton cannot be counted on to veto the bill even with these glaring problems. On illegal immigration reform, like welfare, he might not be that far behind Dole on the pander meter.

IMMIGRANT BASHING

Congress is waging its usual election-year war on immigrants. Although we suspect, in this case, the real target of the new immigration ''reform'' bill making its way through Congress is Bill Clinton.

Yes, Republicans have stripped from the bill—in the face of a Clinton veto threat—a provision that would allow states to throw the children of illegal immigrants out of school, presumably to run wild and ignorant in the streets.

But the measure that remains is still far too punitive in its treatment of both legal and illegal immigrants, too lenient on U.S. employers who hire illegals and too willing to grant the U.S. Immigration and Naturalization Service chilling new authority.

This week, legal immigrants around the nation were being told that they are no longer eligible for food stamps, thanks to the recently enacted welfare reform bill. The anti-immigrant measure would continue that trend of denying legal immigrants public assistance when they are in trouble. These are people who have permission to be here, who hold down jobs when they can get them and who pay taxes and otherwise support the economy.

One particularly mean-spirited provision, for instance, would even deny legal immigrants Medicaid assistance for the treatment of AIDS or HIV-related illnesses. Let them suffer, chortle the bashers in Congress.

And what about unscrupulous employers who hire illegal immigrants for slave wages, thus encouraging still more undocumented aliens to flock to this country? Congress couldn't be bothered to crack down too hard on such practices. Tougher penalties for such practices were deleted from the bill.

One of the most ominous provisions of the bill would grant an unprecedented degree of autonomy to the INS. Under the measure, no court, other than the U.S. Supreme Court, would be authorized to grant injunctions against that police agency when it acts in a legally questionable manner. That's an immunity not afforded the IRS, the FBI, the Drug Enforcement Agency or any other federal police force. Giving it to the INS would constitute a frightening precedent.

The bill isn't all bad. It authorizes a much-needed increase in the size of the U.S. Border Patrol. It would establish new, more efficient procedures for verifying the status of legal immigrants. It would provide tougher penalties for document fraud and for those who smuggle aliens into the country.

But there are so many harsh, immigrant-bashing provisions in the bill that, on balance, it deserves a veto. This is an issue that cries out for resolution after the election—when lawmakers are less inclined to use the immigration issue as a political football.

If President Clinton vetoes the measure, Republicans are sure to paint him as ''soft'' on illegal immigrants. Indeed, Bob Dole is already hitting on that very theme because of the president's unwillingness to purge the classrooms of the children of illegal aliens.

But as a matter of principle, Clinton should stand up to the Republicans this time and refuse to participate in their immigrant-bashing.

This is another case where politics makes for bad public policy.

A DANGEROUS IMMIGRATION BILL

(New York Times, Editorial)

As the White House and members of Congress make final decisions this week about a severely flawed immigration bill, they seem more concerned with protecting their political interests than the national interest. The bill should be killed.

Debate over the bill has concentrated on whether it should contain a punitive amendment that would close school doors to illegal-immigrant children. But even without that provision, it is filled with measures that would harm American workers and legal immigrants, and deny basic legal protections to all kinds of immigrants. At the same time, the bill contains no serious steps to prevent illegal immigrants from taking American jobs.

Its most dangerous provisions would block Federal courts from reviewing many Immigration and Naturalization Service actions. This would remove the only meaningful check on the I.N.S., an agency with a history of abuse. Under the bill, every court short of the Supreme Court would be effectively stripped of the power to issue injunctions against the I.N.S. when its decisions may violate the law or the Constitution.

Injunctions have proven the only way to correct system-wide illegalities. A court injunction, for instance, forced the I.N.S. to drop its discriminatory policy of denying Haitian refugees the chance to seek political asylum.

On an individual level, legal immigrants convicted of minor crimes would be deported with no judicial review. If they apply for naturalization, they would be deported with no judicial review. If they apply for naturalization, they would be deported for such crimes committed in the past. The I.N.S. would gain the power to pick up people it believes are illegal aliens anywhere, and deport them without a court review if they have been here for less than two years.

The bill would also diminish America's tradition of providing asylum to the persecuted. Illegal immigrants entering the country, who may not speak English or be familiar with American law, would be summarily deported if they do not immediately request asylum or express fear of persecution. Those who do would have to prove that their fear was credible—a tougher standard than is internationally accepted—to an I.N.S. official on the spot, with no right to an interpreter or attorney.

Scam artists with concocted stories would be more likely to pass the test than the genuinely persecuted, who are often afraid of authority and so traumatized they cannot recount their experiences. Applicants would have a week to appeal to a Justice Department administrative judge but no access to real courts before deportation.

The bill would also go further than the recently adopted welfare law in attacking legal immigrants. Under the immigration bill they could be deported for using almost any form of public assistance for a year, including English classes. It would make family reunification more difficult by requiring high incomes for sponsors of new immigrants. The bill would also require workers who claim job discrimination to prove that an employer intended to discriminate, which is nearly impossible.

A bill that grants so many unrestricted powers to the Government should alarm Republicans as well as Democrats. This is not an immigration bill but an immigrant-bashing bill. It deserves a quick demise.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

WATER RESOURCES DEVELOPMENT ACT OF 1996—CONFERENCE REPORT

Mr. LOTT. Mr. President, we do have a very important piece of legislation that has been in the making for quite some time. I know Senators on both sides of the aisle are very interested in it and have been working on it in committee and in conference. This is the water resources conference report.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany S. 640.

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

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 25, 1996.)

Mr. CHAFEE. Mr. President, today the Senate will consider the conference report to accompany S. 640, the Water Resources Development Act of 1996. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, and 1992, is comprised of water resources project and study authorizations, as well as important policy initiatives, for the U.S. Army Corps of Engineers Civil Works Program.

S. 640 was introduced on March 28, 1995, and was reported by the Environment and Public Works Committee to the full Senate on November 9, 1995. The measure was adopted unanimously by the Senate on July 11, 1996. On July 30 of this year, the House of Representatives adopted its version of the legislation.

Since that time, we have worked together with our colleagues from the House of Representatives and the administration to reach bipartisan agreement on a sensible compromise measure. Because of the numerous differences between the Senate- and House-passed bills, completion of this conference report has required countless hours of negotiation.

To ensure that the items contained in this legislation are responsive to the Nation's most pressing water infrastructure and environmental needs, we have adhered to a set of criteria established in previous water resources law. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the conference committee to determine the merit of proposed projects, project studies, and policy directives.

On November 17, 1986, almost 10 years ago, under President Reagan, we enacted the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the executive branch regarding authorization of the Army Corps Civil Works Program.

In addition to authorizing numerous projects, the 1986 act resolved long-standing disputes relating to cost-sharing between the Army Corps and non-Federal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation, environmental restoration, or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering, and environmental feasibility been completed for major projects?

Are the projects and policy initiatives consistent with the traditional and appropriate mission of the Army Corps?

Should the Federal Government be involved?

These, Mr. President, are the fundamental questions that we have applied to the provisions contained in the pending conference report.

As I noted at the outset, water resources legislation has been enacted on a biennial basis since 1986, with the exception of 1994. As such, we have a 4-year backlog of projects reviewed by the Army Corps and submitted to Congress for authorization.

The measure before us authorizes 33 flood control, environmental restoration, inland navigation, and harbor projects which have received a favorable report by the Chief of Engineers.