

add, to address the mission of NATO and what the criteria for new membership should be. I, for one, believe it may even be premature for the Senate to be considering the question. While the Senate Foreign Relations Committee has held a number of hearings on NATO enlargement during this Congress, several matters have not been yet thoroughly aired. For example, we still await a strategic rationale for an expanded NATO from the President. What will NATO's future mission be? What will be the role in executing that mission?

The resolution before the Senate requires the President to report on these matters within 6 months of our approval of NATO enlargement. I can think of no better example of putting the cart before the horse. If we approve that sequence, the Senate is, in effect, saying it agrees with the President that we need to expand NATO, but we haven't decided why. It seems to me the Foreign Relations Committee, the Armed Services Committee, and even the Intelligence Committee, should have the rationale from the administration now, not in 6 months.

There are other issues that need further discussion. On January 16 of this year, the Clinton administration signed a security charter with Lithuania, Latvia, and Estonia that raises important questions: What are we committed to do in this charter? Have we given these countries a security guarantee? Why have no other NATO members signed the Baltic charter? I just think we need to discuss this in the context of where we are going with NATO over the long-term.

The Senator from Virginia has introduced an amendment to take a 3-year time-out after this first phase of enlargement so that we can begin to consider these important issues without the pressure of additional countries that would be waiting on the doorstep with admission promised to them. This would permit us to discuss additional membership on the merits, rather than because of personalities.

A new development since the last Foreign Relations Committee on NATO enlargement is the violence in the southern province of Kosovo. It is very important that we consider the impact this could have on the U.S. and her allies. I think these issues need to be addressed if we are going to look at what NATO is and what everyone in NATO will agree it should be.

There are other issues. How much will it cost? I will speak in greater detail later, because there will be an amendment on cost. But no one knows how much it is going to cost. Estimates that vary from a few million to \$125 billion are not credible. It is impossible to say that we know what the cost to the United States will be. A range of a few million to \$125 billion cannot be taken seriously.

I am also concerned about the chances we have of importing into the alliance ethnic, border, and religious

disputes that have riven Europe for centuries. I will have an amendment in that regard.

After looking at the underlying resolution and the Kyl amendment that was passed yesterday, which could be interpreted—I hope it isn't—as drawing us into one of those ethnic conflicts, my amendment will say that we want NATO to determine a border and ethnic dispute resolution process before we have to make a decision on what our role will be, so that there will be no question of what process will be followed to make peace, and so that it will not rise to the level of common defense necessities for the United States.

The American people cannot believe that this U.S. Senate would act on a resolution that would draw U.S. troops into harm's way for an ethnic conflict that has been boiling in Europe for a hundred years if there is not a U.S. security interest involved.

Opponents of my proposal will say that that will weaken U.S. influence in NATO, but I don't understand that concern. We should certainly be confident enough in our leadership that we would be able to discuss candidly with our allies the limits of our involvement in a parochial dispute.

Mr. President, the resolution before us is far from a finished project. Many of us who do not serve on the Foreign Relations Committee, and would like to support the resolution, particularly as it applies to the three countries, good countries, that are doing the right thing toward democracy and a free market. But we do believe too much has been left out. It is not right to say that this resolution cannot be improved. There are several good proposals that will be introduced in the Senate, which we will have a chance to debate and vote on, which would make this resolution one that all of us can support in good conscience.

I urge my colleagues to consider each amendment on its merits and not based on a preconceived notion that this resolution needs no refinement and that any change would somehow be a bad change. The Senate has a constitutional responsibility to express its will on international treaties. That is a double responsibility when we are talking about the potential of U.S. troops going into a conflict in which they could lose their lives.

The Senate's responsibility in the Constitution is to advise and consent, not just consent. Mr. President, our responsibility in the Constitution is every bit as important and clear as is the President's responsibility. The signers of our Declaration of Independence and the writers of our Constitution came from a historical point in which they had a king who declared war and also executed that war. They specifically rejected the idea of one person having all the power. They dispersed the power because they wanted it to be a well-debated and difficult decision to send U.S. troops into harm's way.

Mr. President, our founders were right. It is the Senate's responsibility to meet their test of advice and consent when our troops and our American security is at stake. I hope we can make this resolution one that all of us can proudly support, one that has conditions that are responsible in the stewardship of the security of the United States. That is our responsibility under the Constitution, and that is what we must do.

Mr. President, I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 10 minutes.

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

INS REFORM

Mr. ABRAHAM. Mr. President, I will discuss today the Senate Immigration Subcommittee's plans for a series of hearings on reform of the Immigration and Naturalization Service.

At the beginning of this Congress, I outlined my agenda as the incoming chairman of the Subcommittee on Immigration. During that discussion, I noted that the time had perhaps come to consider fundamental reform of the INS. In particular, I raised the question as to whether an agency charged with both policing our borders and providing services to those seeking to come here legally and become citizens could perform either mission well.

Nothing I have observed since that time has persuaded me that these concerns were misplaced. To the contrary, the problems I have observed with the Service's functioning leave me persuaded that the current structure simply does not work. I also remain of the view that splitting responsibility for INS's different missions is an important part of the solution.

In my view, Mr. President, we must take a hard look at all aspects of the current INS structure. Right now, for example, the distribution of policymaking authority between headquarters and field offices seems haphazard, at best. There also seems to be almost no mechanism for implementing priorities and holding workers responsible for failing to do so. INS's bureaucratic culture appears to tolerate and almost expect failure on too many occasions.

I want to spend a few minutes setting forth some examples of these rather serious problems.

Most people are, by now, familiar with the story of "Citizenship U.S.A.," how what began as a laudable effort to reduce the backlog of legal immigrants waiting to become Americans ended up sacrificing the integrity of the naturalization process, leaving a bitter aftertaste to what should have been the joyous experience of becoming a citizen of this great country. In the

course of that effort, thousands of criminal background checks were not completed, leading to the naturalization of people who had committed disqualifying crimes.

As a result of the program's deficiencies, INS is already working to revoke the citizenship of 369 immigrants and is considering action on almost 6,000 other cases.

Revocation of citizenship, however, is properly an onerous procedure, considerably more difficult than denying it in the first place to those the law says should not receive it.

This particular episode has already received considerable attention, and I will not go through the details again.

What has received less attention, however, and is in some ways even more worrisome, is what this episode revealed about serious deficiencies in all aspects of INS operations.

To begin with, many of the flaws that produced improper naturalizations in Citizenship USA had been identified years before, but gone unaddressed.

A 1994 report of the inspector general's office identified two major problems with INS's background check process.

First, it found that the INS did not verify that fingerprints submitted with applications actually belonged to the applicant.

Second, the INS failed to ensure that background checks were completed by the FBI.

A General Accounting Office study conducted the same year confirmed these findings. Yet the problems went unaddressed for two years.

In November of 1996, after several front page stories reported on improper naturalizations, the INS Commissioner finally ordered that no naturalizations go forward without a completed FBI background check and unless new, more careful procedures for processing background checks had been followed.

In an audit completed five months after that directive was issued, however, Peat Marwick found that only 1 out of 23 INS offices was actually complying with this policy. 7 offices were only marginally compliant, and 15 were not complying with the new procedures at all. It was only a few months ago that KPMG and INS were finally able to say that the new procedures were being followed.

Allegations of fraud in testing also predate Citizenship USA.

Indictments were handed down against 20 defendants in California this past January. But investigations into these allegations have been ongoing for several years and the INS received complaints as early as 1992 that should have alerted the agency to the potential for serious criminal fraud.

Criminal cases may take considerable time to develop and I am not criticizing anyone for taking the time necessary before bringing these particular prosecutions.

My point, however, is that INS took no separate action to close the serious

loopholes these allegations pointed toward until this year, the day before I chaired a hearing to look into the issue.

Mr. President, Peat Marwick also conducted a separate audit of all naturalizations done between August 1995 and September 1996. It concluded that we can be confident that naturalization was proper in only 8.6% of the 1 million cases naturalized during that period.

The other 91.4% of cases either contained insufficient documentation to support a proper decision or (in 3.7% of the cases) involved an outright improper grant of citizenship.

Thus, in addition to the 3.7% of cases improperly naturalized, we simply do not know whether almost 90% of those granted citizenship during that period met the requirements for naturalization.

It may well be that the vast majority of cases with insufficient documentation were decided properly.

But the American people deserve to know that citizenship is being conferred only on deserving people, just as the vast majority of legal immigrants who come here to play by the rules and make a contribution deserve to gain citizenship without a cloud of doubt hanging over its propriety.

Unfortunately, these audits indicate that INS simply does not keep complete and accurate naturalization files and cannot even locate many files that should be in its possession.

I have also heard numerous tales of fingerprints being taken and lost repeatedly, of inconsistent accounts being given about the status of people's files, and of an inability to get resolution on the simple question of a person's status.

Under these circumstances, Mr. President, it comes as no surprise that the backlogs Citizenship USA was designed to address are now back with a vengeance. As many as 1.8 million people are caught up in the nation's naturalization backlog and in some places the wait for citizenship can last up to two years.

Press reports suggest that INS officials have been attributing this slowdown to new procedures put in place in response to Congressional pressure. But when the subcommittee ranking member and I asked whether the new fingerprinting process might cause delays, the INS official in charge of developing them assured us that they would not.

Unfortunately, naturalization is only one area where the INS has not performed either its enforcement or its service mission adequately.

For example, INS does not seem able to figure out how to deport criminal aliens directly after they have finished serving their sentences, and hence claims it cannot detain all of them pending deportation.

At the same time, INS seems to detain many people with strong asylum claims in the same cells as hardened criminals. Who is detained, who is not,

and for how long seems to depend less on the person's particular equities as the district in which he or she is found.

When I first raised the issue of fundamental INS restructuring and a split of its missions, I was not sure the idea would be seriously considered. But, as more problems have come to light, people increasingly seem agreed that reform is needed.

The key issue is rapidly becoming not whether there will be a restructuring but what form it should take in order to solve INS problems.

The latest adherent of this view is the Administration. A few weeks ago, I received a letter from Attorney General Janet Reno, Assistant to the President for Domestic Policy Bruce Reed and Director of Management and Budget Franklin Raines, laying out the Administration's proposals on the matter.

This letter acknowledges INS problems and their seriousness. The Administration also recognizes that one major source of these problems is INS' dual role as enforcer of our immigration laws and provider of immigration and citizenship services.

Whether the Administration's proposed remedy is adequate to the task, however, remains to be seen.

The Administration proposes to retain the current INS and have it perform all its current functions. Its plan would then untangle INS' overlapping and confusing organizational structure, replacing it with two clear chains of command, one for enforcement and the other for service provision.

I will study this proposal closely. But I also will look at alternatives.

In particular, while separating lines of authority into enforcement and service is a good start, I am not convinced that it will suffice to allow officials to pursue each mission with sufficient enthusiasm and energy.

I also worry that, by retaining the current agency, even with significant restructuring, we may end up retaining the bureaucratic culture of toleration for failure that we must end.

Finally, I think everyone, including the Administration, understands that no reform plan could command the support necessary to carry the day without careful scrutiny of all relevant problems, the means the plan would use to address them, and the manner in which the plan would work in practice.

These are issues I intend to address through the series of oversight hearings I will launch shortly after the next recess.

Because I believe this is a serious issue, I do not think it is necessarily one that can be resolved this Congress.

But I hope these hearings will help us formulate legislation this session that can serve as a starting point for further discussions. I look forward to working with all interested parties in this important endeavor.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask unanimous consent to speak as if in morning business.

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

SOCIAL SECURITY

Mr. BREAUX. Mr. President, it is always interesting in the morning to start your day by reading the newspapers. I did that as well this morning. I think that most of the things that we read are pretty accurate and pretty correct. But every now and then I think what we read, while it may be accurate and correct, doesn't tell the entire story. I think this morning, if you look at the papers around the city, most of the headlines that I saw were accurate in the sense that they talked about Social Security and the condition of Social Security. The stories in the press this morning dealt with that. That was all based on the recent Social Security report.

It talked about the good news dealing with Social Security. I look at the headlines in the Washington Post, "Forecast Brightens for Social Security." The Wall Street Journal headline was "Economy gives Social Security a Reprieve." A New York Times article, "Surging Economy is Lifting Social Security, U.S. finds." The headline in the USA Today was "Social Security Wins Three-Year Reprieve."

All of that is very accurate. All of it is very, very true. All of it is based on the Social Security trustees' annual report that they give to Congress and to the American people and to the President of the United States.

If you just read those headlines, you will say, "Well, things are really good in the area of Social Security." The good news, I think, was based on the fact that the trustees' report pointed out that the payroll tax that we pay every month will be able to cover Social Security benefits through the year 2013 as opposed to the early projections that the payroll tax is only going to be enough to pay for benefits through the year 2012. They say that when you combine the payroll tax and the interest paid on the reserves that are in the Social Security trust fund, that would be enough money to cover the benefits to retirees through the year 2021 instead of just through the year 2019.

They further point out that it is good news that the Social Security trust fund, when you add everything up, will not be depleted until the year 2032 instead of the year 2029. All of that is good news. The President correctly spoke about the fact that we added 3 more years to the Social Security program because of the strength of the economy basically. But the reason I take the floor today is to point out "the rest of the story," as the words go, in other areas, because there is another part of the story that didn't seem to get the attention that I think it should have gotten from the press, because the stories don't highlight the

other trust fund that I think is equally important and was also released yesterday by the trustees' report. The other trust fund that I am referring to is the Medicare trust fund, the Medicare part A trust fund, which basically pays the expense of 38 million Americans going to the hospital to receive health care.

But the story that is only sort of mentioned as a footnote is that not only have we not run a surplus in the Medicare trust fund since 1995, including deficit spending of \$9.3 billion last year, they did not point out that the part A trust fund is going broke 2 years earlier than we had anticipated just this past January.

What the report says is that instead of going broke in the year 2010, it is going to be depleted in the year 2008. And the numbers I just cited for Social Security, talking about 2032 and 2013, those are dates that are at least a little bit further out. But the report said that we are going to be going broke in the Medicare trust fund 2 years earlier than they had in January. I think that is incredibly significant.

Prior to the balanced budget bill that we passed last year, the hospital insurance fund, which pays for Medicare hospital coverage, was estimated to become insolvent in the year 2001, just around the corner. So last Congress we struggled and did what I call the "SOS" approach, "same old, same old," by essentially reducing reimbursements to doctors and hospitals. And particularly in addition to that, what we did to sort of save the program in Medicare was to transfer home health care from part A to part B, at least we transferred part of it. We transferred about 60 percent of it, which amounts to about \$174 billion over the next 10 years. We just took it out of this column, which was having a lot of trouble being paid for by the payroll tax and moved it over to part B, which is 25 percent paid for by a premium, and then the 75 percent is paid for by the General Treasury of the country out of general revenues.

So what we did, we put a Band-Aid on Medicare. We tried to save it from going busted in the year 2001 and we extended it out to the year 2008.

It is interesting that the Congressional Budget Office earlier this year had said, well, we thought the trust fund was going to be solvent until the year 2010. But now we have this new report just out yesterday, brand new, overlooked generally by the press, in my opinion, that said the Medicare trust fund was going to be insolvent not in the year 2010, but that the trust fund will be depleted in the year 2008. So unlike Social Security, where people are saying it is getting better than we first thought, Medicare is getting worse, and it is getting worse more quickly than was originally anticipated even in January of this year.

We look at the year 2021 as the key year in Social Security because that is the year when you add taxes and the

interest in the trust fund. It will no longer be enough to cover Social Security benefits. That is the year we all talk about Social Security, that we are not going to have enough money to pay benefits—when you add money coming in plus the interest on that money, we are not going to have enough to pay the benefits in the year 2002.

I want to tell my colleagues that we passed that point in Medicare a long time ago. Medicare is already passed the point where the money coming in and the interest on the money coming in is not enough to pay for the benefits. We passed that in 1995 when the accumulated taxes and interest in Medicare were no longer enough to pay the benefits of Medicare. So we are not talking the year 2021 as in Social Security. We are talking about we already passed that point when it comes to Medicare. That is how much more difficulty the Medicare system is in than the Social Security system. We have been running a deficit in the program since 1995. Last year, it was \$8.3 billion more in benefits than we had in money coming in and the interest in the trust fund. It is obvious we cannot continue that.

I would like to quote a couple of the other highlights from the report which I think are significant. The trustees' report says that to bring the health insurance Medicare part A trust fund into balance over the next 25 years under their intermediate assumptions would require either that outlays be further reduced by 18 percent, or that taxes be increased by 22 percent or some combination of the two over that period. That is, they say, "the current HI payroll tax of 1.54 percent would have to be immediately raised to about 1.81 percent or the benefits reduced by a comparable amount."

I haven't heard anyone in my State of Louisiana that I have the privilege of representing telling me to raise their payroll tax by 22 percent, and I have not heard a single person come in and say, "Senator, would you please cut my benefits by 18 percent." More of what I hear is, "Don't increase my taxes and don't decrease my benefits."

But I will say to all of our colleagues that that is not an option. That is not an option. The report further says that prior to the Balanced Budget Act of last year, the part A expenditures were estimated to grow at an average rate of about 8 percent a year in Medicare. From 1998 to the year 2002, what we did last year in the balanced budget amendment reduces annual growth to an estimated average of 3 percent. Thereafter, however, expenditure growth is expected to return to the level of about 7-percent increases every year in Medicare costs.

The report further says that "the balanced budget provisions are estimated to substantially reduce the gap between income and expenditures over the next 5 years, but with a return to steadily increasing deficits in the year 2003 and later. After 2002, the gap between income and expenditures will