

and without amendment. He understands that. We understand that. He has indicated to me now that he does not intend to do that in the coming days. It will probably be in a couple of weeks. But he had previously announced that he would, at some point in April, perhaps mid-April, the end of April, force a reconsideration vote on the constitutional amendment to balance the budget.

The result was because we were going to have no opportunity to debate or to offer an amendment, and because some of us feel very strongly we will vote for a constitutional amendment provided it takes the Social Security trust funds and sets them outside of the other Government revenues and protects those trust funds. If it does that, we would vote for an amendment. We had done that before. There are a number of us on this side who have done that before. We offered it as an amendment. We voted for it. But we will have no opportunity to do a similar thing at this time, and my point was we would like the Senate to express itself on that issue.

The only way I could conceive of doing that was to offer a sense-of-the-Senate resolution. The sense-of-the-Senate resolution was to say that when a constitutional amendment to balance the budget is brought back to the floor of the Senate, it ought to include a provision that removes the Social Security trust funds from the other operating revenues of the Federal Government. We, incidentally, did that previously in an amendment that I believe got 40 votes. If it does, I would vote for it and I think there are probably a half dozen or dozen other Members who would similarly vote for it and we would have 70 or 75 votes for a constitutional amendment to balance the budget.

Because of circumstances and because of the parliamentary situation, I offered that as a sense-of-the-Senate resolution. It was then second-degreed. The Senator from Wyoming became fairly upset about that, and I understand why. He is managing a bill dealing with immigration. He said, "What does this have to do with immigration?"

Plenty of people have offered amendments that are not germane in the Senate. We do not have a germaneness rule. They have offered them because they felt the circumstances required them to offer them.

The Senator from Massachusetts indicated that he intends to offer an amendment on the minimum wage, increasing the minimum wage on this piece of legislation. My expectation would be, if there were an agreement reached by which the Senate would be able to agree to a vote on the minimum wage at some point, that amendment would go away as well. I do not intend to press my amendment if I can reach an agreement with the majority leader to give us an opportunity to offer, either a constitutional amendment to

balance the budget that protects the Social Security trust funds, or some other device that allows us to register on that issue before we are forced to vote on reconsideration.

I want to make just another point on the Social Security issue because I think it is so important. We are not talking about just politics, as some would suggest. Some say there is no money in the Social Security trust fund. That is going to be a big surprise to some kid who tries to ask his father what he has in his savings account, and his father says you have Government savings bonds, but there is really no money there. That is what is in the Social Security trust fund, savings bonds, Government securities. Of course there is money there.

The problem is continuing to do as we have done for recent years, and that is, instead of save the surplus that we every year now accumulate in the Social Security system, \$71 billion this year, if we instead use it as an offset against other Government revenues we guarantee there will be no money available in the Social Security trust funds when the baby boomers retire. It is about a \$700 billion issue in 10 years, and we ought to address it. It is not unimportant. It is not politics. It might be a nuisance for some for us to require that it be addressed at some point or another, but those of us who want it addressed are not going to go away.

I guess I would say at this point that the two issues that have been raised—the one I have raised by the sense-of-the-Senate resolution I think can be resolved if the majority leader, who was, from our last conversation yesterday, going to be visiting with the Parliamentarian to see if we could find a way to provide a method for a vote on the approach I have suggested and we have previously offered on the constitutional amendment to balance the budget. If that happens, I do not intend to be continuing to press the sense-of-the-Senate resolution that I had previously offered.

I wanted to speak in morning business only to describe what the circumstances are on this piece of legislation. I am not here to make life more difficult for the Senator from Wyoming. I have great respect for him. I think the legislation he has brought to the floor has a great deal to commend it.

Even if we do not resolve this issue on the Social Security trust funds, I would not intend to ask for more than 10, 15, 20 minutes debate. I am not interested in holding up the bill. Under any conditions, I am not interested in holding up this bill.

I would agree to the shortest possible debate time, if we are not able to resolve the issue in another way. But my hope would be in the next hour or so we might be able to resolve that issue in another way. We would still, then, be asking, it seems to me, based on the discussions of Senator KENNEDY, for some kind of commitment to allow the

Senate to proceed to deal with the issue of the minimum wage.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1664, which the clerk will report.

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 by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan amendment No. 3667, to express the sense of the Senate that a balanced budget constitutional amendment should protect the Social Security system by excluding the receipts and outlays of the Social Security trust funds from the budget.

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. 3672 (to amendment No. 3667), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, just a prefatory remark, with regard to my friend from North Dakota.

I enjoy working with the Senator from North Dakota. We are near neighbors in that part of the world. I can understand the depth of his very honest conviction about Social Security and the balanced budget. It is not an opinion I share, because I feel that the Social Security System is going to go broke, whether you have it on budget, off budget, hanging from space or coming out of the Earth. It is going to go broke in the year 2029. It is going to start its huge swan song in 2012, and the reason we know that is because the trustees of the system are telling us that. So I understand completely.

He is sincere in what he is doing. He is a believer in that cause and he is persistent, dogged, and I know that very well. So, in that situation we will just see how it all plays out.

AMENDMENT NO. 3669

Mr. SIMPSON. So the status of the floor is that the bill is now reported.

I, therefore, ask that the Chair lay before the Senate amendment No. 3669.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3669 was printed in the RECORD of April 15, 1996.)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3722 TO AMENDMENT NO. 3669

Mr. SIMPSON. I send a second-degree amendment to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3722 to amendment No. 3669.

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:

Strike all after the first word and insert:

**214. USE OF PUBLIC SCHOOLS BY NON-IMMIGRANT FOREIGN STUDENTS.**

“(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

“(1) in clause (i) by striking ‘academic high school, elementary school, or other academic institution or in a language training program’ and inserting in lieu thereof ‘public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program’; and

“(2) by inserting before the semicolon at the end of clause (ii) the following: ‘Provided, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a non-immigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.’;

“(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

“(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.’; and

“(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

“(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admit-

ted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.’.”

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 3670

Mr. SIMPSON. Mr. President, I now ask the Chair lay before the Senate amendment No. 3670.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3670 was printed in the RECORD of April 15, 1996.)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3723 TO AMENDMENT NO. 3670

Mr. SIMPSON. I send a second-degree amendment to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3723 to amendment No. 3670.

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:

Strike all after the first word and insert:

**PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.**

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting “(a)” after “SEC. 281.”; and

(B) by adding at the end the following:

“(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those “J” visa holders whose presence in the United States is sponsored by the United States government.”

“(2) The Attorney General shall impose and collect a fee on all changes of non-immigrant status under section 248 to such classifications. This subsection shall not apply to those “J” visa holders whose presence in the United States is sponsored by the United States government.”

“(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed \$100.

“(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.”

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expended, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase “approved colleges and universities” means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 3671

Mr. SIMPSON. I ask the Chair lay before the Senate amendment No. 3671.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3671 was printed in the RECORD of April 15, 1996.)

Mr. KENNEDY. Mr. President, I send a second-degree amendment on the minimum wage.

Mr. SIMPSON. Mr. President, I do have the floor.

AMENDMENT NO. 3724 TO AMENDMENT NO. 3671

Mr. SIMPSON. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3724 to amendment No. 3671.

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:

Strike all after the first word and insert:

**115A. FALSE CLAIMS OF U.S. CITIZENSHIP.**

“(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

“(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.”; and

“(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

“(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.”.

This section shall become effective 1 day after the date of enactment.

MOTION TO RECOMMIT

Mr. SIMPSON. Mr. President, I move to recommit S. 1664 to the Judiciary Committee with instructions to report back forthwith. I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] moves to recommit S. 1664 to the Committee on the Judiciary.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SIMPSON. Mr. President, I now send an amendment to the desk to the motion.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. Mr. President, a point of order, there was not a sufficient second.

The PRESIDING OFFICER. There was not a sufficient second.

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

Mr. SIMPSON. Mr. President, I ask for the yeas and nays. There is a sufficient second on the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. SIMPSON. Mr. President, I shall renew the request, Mr. President, and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3725 TO INSTRUCTIONS OF MOTION TO RECOMMIT

Mr. SIMPSON. Mr. President, I now send to the desk an amendment to the motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3725 to instructions of motion to recommit S. 1664.

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

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

The amendment is as follows:

Add at the end of the instructions the following: “that the following amendment be reported back forthwith.

After sec. 213 of the bill, add the following new section:

**“SEC. 214. USE OF PUBLIC SCHOOLS BY NON-IMMIGRANT FOREIGN STUDENTS.**

“(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

“(1) in clause (i) by striking ‘academic high school, elementary school, or other academic institution or in a language training program’ and inserting in lieu thereof ‘public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reim-

burse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program’; and

“(2) by inserting before the semicolon at the end of clause (ii) the following: ‘*Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a non-immigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.’;

“(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

“(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.”; and

“(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

“(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.”.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3726 TO AMENDMENT NO. 3725

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3726 to amendment No. 3725.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further 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 to the instructions to the motion to recommit, insert the following new section:

**SEC. . PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.**

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identify and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting "(a)" after "SEC. 281."; and

(B) by adding at the end the following:

"(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those "J" visa holders whose presence in the United States is sponsored by the United States government."

"(2) The Attorney General shall impose and collect a fee on all changes of non-

immigrant status under section 248 to such classifications. This subsection shall not apply to those "J" visa holders whose presence in the United States is sponsored by the United States government."

"(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed \$100.

"(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively."

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase "approved colleges and universities" means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

Mr. SIMPSON. Mr. President, I appreciate the good will of my friend from Massachusetts. I think after an explanation of what the procedure was, even though I know that that is a difficult one, that nevertheless, it is appropriate under the rules. I had expressed to the Senator from Massachusetts and to the Senator from North Dakota that it would be my intent to proceed and move forward with regard to this issue. These other issues, I hope, can be addressed at some other forum.

The pending business of the U.S. Senate for the last week has been the illegal immigration bill, not the balanced budget amendment, not Social Security, not the minimum wage, not anything. It has been set aside, and we have handled some very significant legislation in the interim.

I want to commend Senator KENNEDY and Senator KASSEBAUM for the work

that they did, which was quite evident, the worth of it and the success of it, by a vote of 100 to 0, on an issue that has been creating tremendous difficulty with all of us. We have started down the road of reform with regard to health care, incremental as it is, but certainly something that the Senator from Massachusetts has been involved in in his entire career in the U.S. Senate.

Sometimes he is a vexing adversary, sometimes he is a warm and helpful ally; but there is one thing the Senator from Massachusetts is, he is a master legislator. We do not have to agree, but if there is anyone who knows more about legislating in this place, I mean day-to-day legislating, the rules, the procedures of legislating, not simply procedure—that helps—then it certainly is the Senator from Massachusetts who is one of the most able in this arena. With that—and I do not want to get too heavy; that would be totally uncharacteristic and unnecessary, Mr. President—I am pleased that we are once again considering the very important issue of immigration reform. This is about immigration reform.

As the majority leader mentioned last week, wherever one visits in this country, the issue is: When is Congress going to do something about immigration? That always comes up. The people of this country want reform. They want those who are not supposed to be in this country to be removed from this country. They do not want those who are subject to deportation to be allowed to roam the United States at will while awaiting their removal, also, working and taking away the jobs of American citizens. They want a reduction in overall immigration numbers. That is what they tell us on a consistent basis.

We now have an opportunity to accomplish all of that. We have a very good bill before us, and we have many amendments proposed, some of which will improve the legislation. There will be amendments. Those have been submitted. Those should be known to Members and staff by this time. We will proceed with those. I trust my colleagues will bring these amendments to the floor so we may conclude this contentious but important and consistent and ever-present debate and pass comprehensive immigration reform during this week.

The Barbara Jordan Commission left a statement which I think is worthy of all of us to be reminded of on this date. It was to this effect: The credibility of immigration policy can be measured by a simple yardstick. These are the words of Barbara Jordan, former Congresswoman, remarkable, remarkable American, a woman I greatly admired and respected and was honored to participate at the memorial service on her behalf at the Kennedy Center. That was a very, very emotional and touching thing for me. She said the simple yardstick is this: People who should

get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave. You cannot state it any more clearly than that.

The pending business is a Simpson second-degree amendment on a motion to recommit. This is the Simpson amendment No. 2, the pilot program. I believe that is now the pending business. I believe the debate on that amendment has been had. It was at the desk. Let me just refresh your memory on that. That was the amendment to provide a pilot student-tracking program. The aim was to enable the INS to keep track of foreign students studying in this country. The amendment would provide a source of funding to the INS to establish a very basic, computer-based system for keeping track of foreign students. It is a measure supported by the FBI Director, who expressed deep concerns about our ability to track such students in a 1994 memo regarding possible entry venues for tourists.

This is not an intrusive provision. Colleges and universities already are required to provide this sort of information to the INS. The problem in the past has been that the INS has not devoted sufficient resources to this activity to create a body of reliable information. So the amendment's aim is to provide funding so the INS can implement a system to keep track of foreign students studying here. It seems reasonable that such funding should come from the students themselves and not from the taxpayer. A student who is willing to pay \$10,000 or \$20,000 in this country or \$80,000 to \$100,000 over the course of study, is unlikely to be greatly concerned at being asked to pay an additional fee of \$50 or \$100 for the issuance of a student visa.

That is the substance of the amendment. I inquire if there is further debate on the amendment, or move the question on the amendment.

Mr. KENNEDY. Mr. President, effectively, in terms of the substance of the legislation that we have before the Senate, I support these three amendments, for the reasons we outlined the other evening when we commenced the debate on these items. One allows us to be able to track foreign students to find out what happens to those students. We are unable to do so now. There is a serious question about whether the foreign student visas are being used for real education or as another way to circumvent the laws. That is reasonable.

The second amendment deals with the situation where a young person gets a student visa to be able to come in and attend a private university and is able to demonstrate he or she has the resources to be able to do it and then makes a decision, after he or she is here, to go to a public university. It is a drain on the taxpayer funds. We want to address that situation. It is not unimportant. We are supportive of that particular legislation.

A final amendment deals with an individual who, either for employment or to get some kind of support funding, makes a false claim that they are a citizen when they are not. The amendment makes them subject to deportation. I think that makes a good deal of sense. If an individual is trying to either displace an American in a job and misrepresents his or her status by lying to the employer and stating that he or she is a citizen, or stating to other local or State or Federal officials that he or she is a citizen, when they are not, in order to benefit from some other kind of emergency services, that individual, I believe, ought to be subject to deportation.

On the substance of these amendments, I support all of them. The second-degree amendments are only a means for effectively denying the opportunity to amend the underlying amendments. As I understand, the substance of those is to change the date of enactment of those particular provisions by a day, meeting the requirements of the Senate rules in not changing the substance of it.

Finally, Mr. President, I understand that because of the changes in the parliamentary situation, now we will address those three at whatever time it is fine to move ahead on those amendments as far as this Senator is concerned. There may be other considerations which would dictate a time designated by the majority-minority leaders for the consideration of those measures.

Instead, moving back, then, to what would have been the Dorgan amendment and have that the pending business through the changes in the parliamentary situation which were just agreed to. The Dorgan amendment, for all intents and purposes, would not be the pending business. There would be then an opportunity after these amendments are addressed to amend the underlying legislation at that time. The pending business would no longer be the Dorgan amendment.

For those who are interested, both Senator DORGAN and myself will, at least hopefully, have some opportunity to address for a brief time, but hopefully within an agreement of a short timeframe, either the minimum wage or Senator DORGAN's amendment.

I was glad to try to place the minimum wage as a second degree to underlying amendments previously. We did not have the opportunity to do so. Perhaps there will be an effort to completely foreclose the opportunity to address it, but it is certainly my intention not to delay this legislation but for a short timeframe to address the minimum wage. This legislation will be before the Senate for a time, and we will try to at least see if there is some opportunity to do so. I know that is not the desire of the floor manager to move ahead. In any event, that would be my intention.

I yield to the majority leader without losing the right of recognition after he has concluded.

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

#### CORRECTING THE ENROLLMENT OF S. 735

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 54 and Senate Concurrent Resolution 55, submitted earlier by Senator HATCH. I further ask unanimous consent that these resolutions be agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to either of these resolutions appear at the appropriate place in the RECORD.

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

The concurrent resolutions (S. Con. Res. 54 and S. Con. Res. 55) were agreed to, en bloc, as follows:

#### S. CON. RES. 54

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to section 431 through 443 respectively.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike "may" and insert "shall".

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 325 of the bill—

- (1) strike "may" and insert "shall";
- (2) strike "shall be provided"; and
- (3) insert "section" before "6(j)".

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

- (1) in subsection (a)(1), insert "foreign" before "terrorist organization";
- (2) in subsection (a)(2)(A)(i), strike "an" before "organization under" and insert "a foreign";
- (3) in subsection (a)(2)(C), insert "foreign" before "organization"; and
- (4) in subsection (a)(4)(B), insert "foreign" before "terrorist organization".

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

- (1) strike "by the Secretary of State" and insert "by the Secretary of the Treasury";
- (2) strike "with the Secretary of the Treasury" and insert "with the Secretary of state"; and
- (3) add the words "the government of" after "engages in a financial transaction with";

At the end of section 321 of the bill, add the following:

"(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act."

In section 414(b) and 422(c) of the bill, strike "90" and insert "180".

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike "essential" and insert "important".