issue. This has been around since 1989. Essentially, it is a battle between those States who want to export their trash to another State and those States on the receiving end who do not want it.

Not long ago in my State, the city of Miles City faced a prospect that was practically a Noah's flood of garbage imports. Fortunately, that plan fell through, but the really crazy and humiliating part of it all was that the 5,000 citizens of Miles City could only sit and wait. They had no say at all and no way to stop the waste from coming in. Why? Very simply, because the Supreme Court has struck down attempts by States to limit importation of garbage, saying it violates the commerce clause of the Constitution. So we in the Congress have to act and pass Federal legislation that enables States and enables local communities to say no.

It is obviously wrong, Mr. President. It is unfair for any city, whether Miles City or any other city in the United States, to not have the right to say no to garbage coming into their State. As you recall, we in the Senate have done our part. Way back in May of 1995, we passed a bill to let Montana and other States say no to the importation of out-of-State garbage. The House of Representatives, however, has a different story. They have stalled. They have stalled on any action in this measure for a couple of years.

I say that the people of Montana, the people of Pennsylvania, Indiana, Michigan, Ohio, and other States affected by the deluge of garbage coming into their States cannot afford to wait any longer. They are anxious. They are concerned. They feel the Government ought to be able to do something to address this situation. Some of these States are already importing millions of tons of garbage, and they do not want to import more.

Now it appears that New York City may add 10,000 tons or more of trash every day—10,000 tons of trash every day—when it closes its Fresh Kills landfill on the outskirts of New York City. That should drive home to everyone, and especially the House, how important it is to act and to act quickly.

We talk a lot around here about local control, about letting States decide their own destiny, letting local communities decide their own destiny. By saying no to the Senate amendment on this conference report, the House is preventing the people from controlling their own destiny. By saying no, States cannot stop out-of-State garbage from being dumped in their own backyard.

Obviously, the Senate bill we passed is not perfect. It is a compromise. It is a compromise between the importing States that take garbage and do not want the garbage and the exporting States that, frankly, want to export more. It is a compromise. It is a compromise we can live with.

Now, the House, apparently, does not want to act. It is not compromising. I say the House should pass something which at least they think makes sense for them. That way, we can work another compromise that is between the House and the Senate, and we can finally solve this problem—it is not the perfect way, but in a way that generally resolves the problems so that today more local communities can say no to the importation of garbage coming into their States. That is only fair. I ask the House to act quickly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 3662, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Pressler Amendment No. 5351, to promote the livestock industry.

Bumpers modified amendment No. 5353 (to committee amendment on page 25, line 4 through line 10), to increase the fee charged for domestic livestock grazing on public rangelands.

AMENDMENT NO. 5353, AS MODIFIED

Mr. GORTON. Mr. President, it is my understanding that we have now resumed consideration of the Bumpers-Gregg amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. Between now and 12:30, while we are on the Bumpers-Gregg amendment relating to grazing fees, I believe that that amendment was debated thoroughly yesterday afternoon. In addition, there will be 20 minutes equally divided on the amendment after we reconvene following the party luncheons before our vote on that amendment.

As a consequence, Mr. President, I suspect that there is time between now and 12:30 to deal with any other amendments that Members of the Senate may wish to propound. There are some 25 or 30, at least, amendments that are relevant to this bill on which the managers have been notified. Probably half or more of them can be accepted in their present form or another form can be worked out.

So all Senators who are within hearing of these proceedings can be on notice that this may be a particularly convenient time in which to bring such amendments to the floor and to have them considered.

With that, and until we have some business to do, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IMMIGRATION

Mr. KENNEDY. Mr. President, just a few moments ago the Democratic conferees that had intended to meet in conference between the House and the Senate to consider the immigration bill were notified that conference was indefinitely postponed. No time was established when there might be a follow-up conference.

The issues of illegal immigration are of enormous importance to this country. There are a number of States that are directly impacted by illegal immigration, but the problems of illegal immigration also affect just about every State in this country in one form or another. There has been considerable discussion and debate about what policies we ought to follow to address the issues of illegal immigration.

For a number of years, we have had special commissions that were set up by the Congress to look at various immigration issues. We had the Hesburgh Commission. The commission was bipartisan in nature and made a series of recommendations both with regard to legal and illegal immigration. The Congress acted on both of the recommendations.

Subsequently, because of the enormous flow of illegal immigrants coming to the United States, the Hesburgh Commission called for the United States to respond to the problem. After all, it is a function of our National Government to deal with protection of the borders, and also to guard the borders themselves. This area of public policy presented an extremely important responsibility for national policymakers.

Beginning just about 2 years ago my colleague and friend, the Senator from Wyoming became the Chair of the Immigration Subcommittee. I have enjoyed working with him on immigration—we have agreed on many, many different items; we differ on some issues, and some we have had the good opportunity to debate on the floor of the Senate on various occasions.

In fact, we agreed on many of the provisions in the Senate immigration bill. I welcomed the opportunity to support the legislation which passed overwhelmingly—97 to 3. Although the legislation was not perfect, it represented a bipartisan effort to try to

deal with the problem of illegal immigration. I can remember how Chairman SIMPSON dealt with the issues over a year ago when the Jordan Commission was winding up their consideration of illegal immigration issues. There were many who felt we ought to rush to judgment. That we ought to provide amendments on different pieces of legislation. Senator SIMPSON said, ''No; we are going to follow a process and a procedure.'' He spoke as a senior legislator and as someone who has provided important leadership on the issues of immigration.

So we consulted the Judiciary Subcommittee on Immigration and later the full Judiciary Committee, and we consulted with the Jordan Commission. We had extensive hearings. We moved through the process of markup. In the markup itself Senator SIMPSON took the time to visit the members of the committee, Republican and Democrat alike, to find their principal areas of concern—to see if we could find common ground. Then, in the best traditions of legislating, we had a series of days of markups. I daresay the participation of Republican and Democrat alike in those markups was enormously impressive. I do not think there is a member of that committee on any side of any issue who does not feel they were given a full opportunity to make the presentation of their concerns and to engage in a dialog, discussion and debate. We had a fair hearing of every issue—conducted under the chairmanship of Senator HATCH. I believe the entire process took 9 days. They were full days. We did it section by section of the legislation, with notification so members would have an idea which areas were going to be addressed each day. This was really in the best traditions of legislating.

We moved forward, passed the bill out of the Judiciary Committee, and had extensive debate here on the floor of the Senate. It took a number of days, I believe 7 or 8 days. Sometimes the debate was tied up on the issues of minimum wage. By and large, the discussion focused on the issues of illegal immigration. Then we had the rollcall vote. As I mentioned earlier, rarely do we have a matter of this importance pass by a margin of 97 to 3 in the U.S. Senate. Especially involving an issue on which Senators have many different opinions.

Then something happened, Mr. President. We had the appointment of conferees in the Senate, Republican and Democrat, but the Democratic conferees were never invited to participate in pre-conference negotiations with our Republican colleagues. There were only negotiations between the Republicans in the House of Representatives and the Republicans in the Senate. It has only been in the last few days that the House Democrats were actually appointed. It was only in the last few days that they were able to obtain the legislation itself. And before the Democrats could find out what was in the bill the Republicans drafted, the Democrats had to threaten parliamentary maneuvers in the House.

Nonetheless, we were notified we were going to have the conference meeting today at noon; that we were going to have a conference, break for the leadership meetings and then go back and resume the conference. There was a clear anticipation that action would occur on the conference report. I had hoped we would be able to revisit some of the items. We had tried to work together with members of the conference who were interested in some of these issues that were not necessarily partisan to see if we would at least have an opportunity for a brief debate on some of those. I think we were prepared to have that discussion and debate and to raise those issues. The most important of all of the issues, of course, is the Gallegly amendment, and whether we, as a public policy, are going to dismiss from the public schools of this country those children who may be the sons and daughters of illegal immigrants. The Gallegly provision is strongly opposed by the law enforcement officials and by teachers, who do not become teachers only to be turned into a truant officer who turns in names of suspected illegal immigrant children to INS. There were a number of other important issues in the Republican conference report, which I will mention in a few moments.

Then we were notified just a few moments ago that our Republican friends are in disarray about what their position is with regard to the Gallegly amendment, and that there is no consensus. Even right now, since we have been notified that this conference is postponed, there is no effort to try to include Democrats in the conference, or to talk about issues of concern to us. There is still no effort, even at this late date, to craft legislation that would deal with a central concern of the people of this country, and that is the growth of illegal immigration. The Republican conferees still have not allowed us to address in a bipartisan way what this conference report means in terms of job loss for American workers, what it means in terms of crowded schools, and what it means for the challenges that we are facing on the borders, with all of the complex social and economic criminal elements associated with it. These are complex issues that the Democratic Members want to address and come to some conclusion on.

Now we are notified that we still do not have an opportunity to resolve these issues in a bipartisan way. The conference is postponed again, but the Republicans say they somehow going to get together again. I now understand the power of the majority in being able to push legislation through. Certainly, they do in the House of Representatives. They are able to have the power to jam legislation through there. It is more difficult in the Senate. Although a conference report is a privileged item, nonetheless, what we find is, rather than just sitting down and discussing it in an open kind of forum, where the public would be invited to at least observe and to understand the public policy issues that are being debated, there are negotiations taking place not with the Members of the Congress and Senate that have to vote on the legislation, not with the Members of the House and Senate who have worked to try to be constructive and who have supported the legislation here in the U.S. Senate the last time that we came—oh, no, the negotiation is taking place with the Dole campaign officials—the Dole campaign officials. They are the ones that are negotiating with the Republican leadership on the shape of the immigration bill.

The stories have been out there of the meetings that took place last week and the positions of candidate Dole, who wants, evidently, the Gallegly amendment included in the final immigration bill, and others within the Republican Party do not want to have that. It is tied up, I dare suggest. It is always a concern to speculate on what the motivations of other people are. But, it is increasingly apparent to many of us that the Republicans want to make very difficult for the Members to deal in a bipartisan way with the issue of illegal immigration. It seems they either want the President to veto the legislation, or let it die in the Senate in the final hours of the Congress while Republicans and Democrats alike express their dislike of the Gallegly provisions.

So then there might be the opportunity for those to say, look what has happened on the important issue of illegal immigration; we were not able to get the bill to the President. The Republican side says that if they take the Gallegly amendment out, the bill may well go through the Senate of the United States and House of Representatives, and the President might sign it and get some credit for it. He might get some credit for the bill in California in an important election year.

Now, Mr. President, I don't think I am far off from the facts with that kind of a speculation, particularly when we find that about the inability of Republican leadership to try and bring forth a conference report that reflects agreement among Republicans. The American people can say, well, if we can get a good bill, why don't we do it? Do we always have to include the Democrats in it? The fact of the matter is, we have supported illegal immigration proposals. We are interested in this issue of illegal immigration. It is an issue for the Nation to deal with, but it is also a matter which has a dramatic impact on the lives of workers in this country, because when they find out that unscrupulous employers are going to hire illegals and pay them less than their American counterparts, it has a dampening affect on wages for American workers. That has been debated and discussed, and we have various studies in the RECORD. But it is

pretty self-evident that one of the principal factors of holding down wages in our country is the fact of illegal immigrants taking jobs here in the United States.

Was it so unworthy that we would try, in dealing with the problems of illegals. We must recognize that of the million and a half people that come into the United States illegally each year, about 350,000 remain in the United States. Get this: Of the workers that come here and remain here as illegal workers, half of them came to the United States legally, and overstayed their visas. No amount of border enforcement can deal with them. But they are still taking American jobs, and they are continuing to depress the wages of American workers. The only way you are going to get to these illegal workers is in the workplace. As the Jordan Commission pointed out, the most likely employers that hire illegals are also the ones that do not respect the fair standards for workers and the working conditions for American workers.

We find that in regions of the country where you have the exploitation of workers, you find, by and large, the greatest numbers of those employers that hire the illegals. Now, in the Senate bill we added 350 labor inspectors to find employers who violate our labor laws by hiring illegal immigrants. That is a 50-percent increase in the amount of inspectors the Department of Labor currently has. What happened to that provision? It has been eliminated by the Republicans. It has been cut out of the conference. It has been absolutely cut out of the conference report.

One of the important provisions that we debated in the Senate was the development of various pilot programs to verify the eligibility of people to work in the United States. We had Senate provisions crafted to test what pilot program would work most effectively, so we can help employers make sure they are able to hire without the fear of discriminating against American workers. Well, what happened with that language? We had good pilot programs. But they were dropped. And a different series of programs—and many of us question the effectiveness of their results—are authorized. Many would say that the Republican conferees eliminated the Senate pilot programs under the weight and pressure of the business community and unscrupulous employers, so they do not have to face the problems of dealing with hiring illegals.

And then, of course, there are the provisions in the law that undermine, in a very dramatic way, provisions placed in the Senate bill by Senator SIMPSON dealing with breeder documents—the birth certificates and drivers licenses. This was controversial issue on the Senate floor. But, we debated it in a bipartisan way. Now, they too have been changed.

One of the principal reasons breeder documents are so essential to the control of illegal immigration is that the breeder document is the fundamental document to establish eligibility to work in the United States. We need to cut back on the forgery taking place. What do we find out from that? That provision has been emasculated. It says tamper-resistant birth certificates will only be required for future births, which means that we are going to have this problem for 30 or 40 years, while the next generation begins to grow up and go into the job market. The conference report has made a sham out of true reform on this issue.

It effectively emasculated those very, very important provisions that had been included with the leadership of Senator SIMPSON. And I think those were tough, difficult provisions for him to adopt and accept. But, nonetheless, it was a very, very key element to controlling illegal immigration.

We also understand from the Republican conference report, that for the first time in the history of American immigration law, if you are a worker working 40 hours a week for 52 weeks of the year, you have a very good chance you will not make enough income to bring in your wife, or your husband, or your child. For first time in American immigration, they set a standard of what your income is going to have to be in order to bring in a spouse, or a small child. The standard is even higher for other members of the family.

So the conference report says, if you have the resources, if you are wealthy, you are going to have the open opportunity to bring in your wife, your kids, your brothers, or your sisters, or your grandparents, but not if you are a member of the working class.

This conference report is three strikes and you are out in terms of protecting American workers. They lose protection in the workplace because the Republicans struck the provisions to provide protection for American jobs. They lose the protections that would come out of the pilot programs to protect American workers—and we are talking about American workers—that may trace their ancestry to different parts of the world. But because of the color of their skin, or their accent, or their appearance, they are the subjects of discrimination. Discrimination which we know exists because GAO has documented it in the past. We are interested in trying to deal with illegal immigration; those who are going to be a burden on the American taxpayer. But we are also interested in trying to protect American workers. And these are the provisions that would have helped to protect American workers, and these are the provisions which have been changed or removed altogether.

Mr. President, we had an excellent meeting just a short while ago with a number of our Democratic colleagues from the House and the Senate. We reviewed some of the problems we have with this legislation. I will try and include as part of a general statement their comments. Congressman BECERRA talked about the additional kinds of burdens needy legal immigrants are going to face under this legislation. Senator LEAHY's excellent presentation on summary exclusion pointed out that summary exclusion was a good name for his amendment because so many of the Members of the House and Senate have been summarily excluded from any of the conference considerations. But he has reminded us of what would happen to those that have a very legitimate fear of persecution and death coming here under the procedures which have been accepted into this legislation despite the fact that the Justice Department in this administration has doubled the number of deportations. Congressman FRANK and Senator SIMON talked about the changes in the test for following proving discrimination in the workplace. Under the conference report, you must prove discrimination by an intent test rather than the effects test. They talked about how that will complicate enforcement and make it exceedingly more difficult to hold any employer liable even if they had a pattern or practice of discrimination; Congressman RICHARDSON, HOWARD BERMAN, ZOE LOFGREN of California; and others, including Congressman BRYANT—the ranking member of the House Immigration Subcommittee.

They talked about the different aspects of this conference. Most, if not all, supported the original legislation. We are deeply disappointed in the process and the conference report. It has been four months since we passed the immigration bill in both the House and the Senate. In the Senate we voted in early May, and now it is going into the backside of September. We voted on this issue. And we have the cancellation of the conference. The Senate conferees were appointed right away in May. Now 4 months later, nothing.

Now we hear they are cooking up yet another version of the Gallegly amendment.

Mr. President, this demonstrates that the Republicans really are not serious about dealing with illegal immigration. They want a campaign issue, not a bill. If they were serious, the conference would be meeting now with bipartisan input. And with the challenge to all of the Members of the House and the Senate—Republicans and Democrats—can we get a bill that is going to deal with the problems of illegal immigration?

Illegal immigration is a problem. We are committed, as the vote in the U.S. Senate showed, to trying to do something about it. It is not too late to do something about illegal immigration. But as long as our Republican friends are going to continue to meet behind the closed doors, refusing to let the sunshine in, I fear for what eventually will come out of it.

It is a real, great disservice to the American people and to this institution that we are in this situation. But

we will be resolute. We still are strongly committed to trying to get legislation that is responsible and that will be effective. We still await any opportunity that might come up to try to offer whatever judgments that we might have that can move this process forward in a way which would deserve strong bipartisan support for this legislation.

It is a complex and a difficult issue. But there is no reason in the world that we can't do it, and do it before the end of this session. But to do so, we have to have the doors and windows opened up for the public's involvement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. GORTON. Mr. President, obviously, we are not going to be able to do any more business between now and the scheduled recess for the two parties to meet. As a consequence, I ask unanimous consent that the recess scheduled to begin at 12:30 begin immediately.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5353, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided remaining prior to a motion to table the Bumpers amendment.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. BUMPERS. Mr. President, let me explain to my colleagues the difference between this amendment and my amendment that you voted on earlier this year. In March, I offered an amendment that increased the Federal grazing fee for all permittees and those who controlled more than 2,000 animal unit months paid a higher fee. This amendment is different. I have raised the ante to provide that, unless a permittee controls 5,000 animal unit months, he is totally unaffected by my amendment. In fact, any permittee who controls less than 5,000 animal unit months pays the present grazing fee.

Let me go back. What is an animal unit month? When you lease lands to graze cattle on Federal lands, you lease it by what is called an AUM, or animal unit month. That is the amount of grass it takes to feed one cow and her calf for 1 month. Some ranchers, for example those in southern Arizona and New Mexico, graze 12 months a year. However, most of the permittees only graze 4 or 5 months because there is not any grass in the winter months. So you can calculate, based on the current rate of $1.35 an AUM, how much a permittee is paying.

Why is this important? It is not the money. It is the principle. Mr. President, grazing occurs on 270 million acres of our Forest Service and Bureau of Land Management lands, all Federal lands belonging to the taxpayers of this country—270 million acres. 97 percent of the people who hold grazing permits on those 270 million acres, and there are 22,350 total operators, are unaffected by the Bumpers amendment. Even the other 3 percent, who are the really big boys, are unaffected on the first 5,000 AUM's.

In other words, if you have 6,000 AUM's on your permit, for the first 5,000 you would pay the same rate you are paying right now, but on the extra 1,000 you pay whatever rate you would have to pay if you leased State lands in that particular State where the lands lie.

What does that amount to? It means, for example, that the average on State lands is $5.58. In Colorado the rate is $4.04. So you pay the difference in Colorado lands for every AUM over 5,000, and you would pay $4.04.

Who are these people? Who are these 3 percent that have these AUM's? I will show you. I want you to bear in mind we passed a rather harsh welfare bill here just recently. The poorest of the poor in this country took it on the chin, and yet here is the biggest corporate welfare ripoff going on in America.

Who are these people that have more than 5,000 AUM's? And can they afford to pay more? If they lease State lands, they pay $5.58. If they lease private lands they have to pay $11.20. If they lease Federal lands it is $1.35. Can they afford it? Here is Zenchiku, a Japanese corporation, 40,000 acres, 6,000 AUM's. Newmont Mining Co., the biggest gold mining company in the world, 12,000 AUM's. William Hewlett of Hewlett-Packard, 100,000 acres and 9,000 AUM's. Anheuser-Busch, one of the 80 biggest corporations in America, 8,000 AUM's. So I ask you, can these people—J.R. Simplot, in Idaho, an Idaho billionaire, a multibillionaire that controls 50,000 AUM's. Can Mr. Simplot, who is worth billions, afford to pay maybe $2.50 more for all his cows above 5,000?

Mr. President, this national ripoff has been going on for almost 50 years. In March the offer I made to the Senate was anything above 2,000 AUM's, and I lost by three votes. So yesterday I amended my amendment to make it 5,000 hoping I could at least cause three people to change their minds about this. It is a terrible thing for us to continue to allow.

The PRESIDING OFFICER. The Senator's 6 minutes has expired.

Mr. BUMPERS. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I believe Senator CRAIG will be down here shortly. I ask that the Chair inform me when I have used 5 minutes, if you would, please, Mr. President.

Mr. President, first of all, there are very different ways in which the public domain is used from the standpoint of grazing permits. It happens in a State like mine we have 5,000 permittees. The overwhelming number are small ranchers. And they use, for the most part, the public domain for 12 months out of the year.

So the amendment that Senator BUMPERS is talking about uses this big number, 5,000 animal unit months, which is really about 400 head of cattle if you graze on the public domain for 12 months out of the year. So it sounds like a monster, but in States like mine it is a relatively modest cattle ranching operation.

Second, to say to those who ranch on the Federal land, ''You may be asked to pay the same as the State fee for this land,'' not only invites a fee schedule that is different from State to State, but the State leases its land on completely different rules than the Federal Government.

Yesterday, in a few minutes on the floor, I suggested that if the distinguished Senator from Arkansas would like to make the public domain in a sovereign State subject to the same inhibitions and/or restrictions that the State land has, then maybe some consideration might be given to charging a State fee.

Let me give you a major example. In one of the States, the State land cannot be used for anything other than grazing, if you lease it for grazing, everyone else is denied access to that land. You cannot get on it for recreation. You cannot get on it for hunting and fishing. But we have decided on the public domain that we lease our land under completely different conditions. We lease for grazing, and it is still open to hunting and fishing and to the building of habitat for wild game and for fish.

So the argument that there is some kind of advantage and some kind of reality and some kind of logic to saying, let us charge what the State's charge is, ignores the fact that the State leases its land under completely different rules, regulations, conditions, and inhibitions.

Additionally, we do not need two sets of fees. We do not need a fee for the rancher in northern New Mexico who has 200 head of cattle and up the road