United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, MONDAY, MAY 6, 1996 No. 61

House of Representatives

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that You would watch over us and keep us in Your favor, that You would support us in our obligations and direct us in the right path, that You would sustain us in our endeavors and point us to the way of truth. O loving God, from whom we have come and to whom we shall return, may Your peace that passes all human understanding abound in our lives. Though we may depart from You, O God, may Your grace and mercy never depart from us. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia; and

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1743. An act to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes; and

H.R. 1836. An act to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 811. An act to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes; and

S. 1720. An act to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark.

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) ''An Act to reauthorize the Ryan White CARE Act of 1990, and for other purposes.''

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. CHAFEE, Mr. HATCH, Mr. PRYOR, Mr. PRESSLER, Mr. GRASSLEY, Mr. GORTON, Mr. JEFFORDS, Mr. MACK, Mr. BURNS, Mr. BENNETT, Mr. INHOFE, Mr. DEWINE, and Mr. GRAMS, as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d Session of the 104th Congress, to be held in southeast Alaska, May 10–14, 1996.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI, Mr. BROWN, and Mr. COVERDELL, as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d Session of the 104th Congress, to be held in Zacatecas, Mexico, May 3–5, 1996.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, May 2nd at 4:15 p.m. and said to contain a message from the President wherein he returns without his approval H.R. 956, the ''Common Sense Product Liability Legal Reform Act of 1996.''

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

COMMON SENSE PRODUCT LIABILITY REFORM ACT OF 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–207)

The SPEAKER laid before the House the following veto message from the President of the United States:

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To the House of Representatives:

I am returning herewith without my approval H.R. 956, the ''Common Sense Product Liability Legal Reform Act of 1996.''

I support real commonsense product liability reform. To deserve that label, however, legislation must adequately protect the interests of consumers, in addition to the interests of manufacturers and sellers. Further, the legislation must respect the important role of the States in our Federal system. The Congress could have passed such legislation, appropriately limited in scope and balanced in application, meeting these test. Had the Congress done so, I would have signed the bill gladly. The Congress, however, chose not to do so, deciding instead to retain provisions in the bill that I made clear I could not accept.

This bill inappropriately intrudes on State authority, and does so in a way that tilts the legal playing field against consumers. While some Federal action in this area is proper because no one State can alleviate nationwide problems in the tort system, the States should have, as they always have had, primary responsibility for tort law. The States traditionally have handled this job well, serving as laboratories for new ideas and making needed reforms. This bill unduly interferes with that process in products cases; moreover, it does so in a way that peculiarly disadvantages consumers. As a rule, this bill displaces State law only when that law is more favorable to consumers; it defers to State law when that law is more helpful to manufacturers and sellers. I cannot accept, absent compelling reasons, such a one-way street of federalism.

Apart from this general problem of displacing State authority in an unbalanced manner, specific provisions of H.R. 956 unfairly disadvantage consumers and their families. Consumers should be able to count on the safety of the products they purchase. And if these products are defective and cause harm, consumers should be able to get adequate compensation for their losses. Certain provisions in this bill work against these goals, preventing some injured persons from recovering the full measure of their damages and increasing the possibility that defective goods will come onto the market as a result of intentional misconduct.

In particular, I object to the following provisions of the bill, which subject consumers to too great a risk of harm.

First, as I previously have stated, I oppose wholly eliminating joint liability for noneconomic damages such as pain and suffering because such a change could prevent many persons from receiving full compensation for injury. When one wrongdoer cannot pay its portion of the judgment, the other wrongdoers, and not the innocent victim, should have to shoulder that part of the award. Traditional law accomplishes this result. In contrast, this bill would leave the victim to bear these damages on his or her own. Given how often companies that manufacture defective products go bankrupt, this provision has potentially large consequences.

This provision is all the more troubling because it unfairly discriminates against the most vulnerable members of our society—the elderly, the poor, children, and nonworking women—whose injuries often involve mostly noneconomic losses. There is no reason for this kind of discrimination. Noneconomic damages are as real and as important to victims as economic damages. We should not create a tort system in which people with the greatest need of protection stand the least chance of receiving it.

Second, as I also have stated, I oppose arbitrary ceilings on punitive damages, because they endanger the safety of the public. Capping punitive damages undermines their very purpose, which is to punish and thereby deter egregious misconduct. The provision of the bill allowing judges to exceed the cap if certain factors are present helps to mitigate, but does not cure this problem, given the clear intent of the Congress, as expressed in the Statement of Managers, that judges should use this authority only in the most unusual cases.

In addition, I am concerned that the Conference Report fails to fix an oversight in title II of the bill, which limits actions against suppliers of materials used in devices implanted in the body. In general, title II is a laudable attempt to ensure the supply of materials needed to make life-saving medical devices, such as artificial heart valves. But as I believe even many supporters of the bill agree, a supplier of materials who knew or should have known that the materials, as implanted, would cause injury should not receive any protection from suit. Title II's protections must be clearly limited to nonnegligent suppliers.

My opposition to these Senate-passed provisions were known prior to the Conference on the bill. But instead of addressing these issues, the Conference Committee took several steps backward in the direction of the bill approved by the House.

First, the Conference Report seems to expand the scope of the bill, inappropriately applying the limits on punitive and noneconomic damages to lawsuits, where, for example, a gun dealer has knowingly sold a gun to a convicted felon or a bar owner has knowingly served a drink to an obviously inebriated customer. I believe that such suits should go forward unhindered. Some in the Congress have argued that the change made in Conference is technical in nature, so that the bill still exempts these actions. But I do not read the change in this way—and in any event, I do not believe that a victim of a drunk driver should have to argue in court about this matter. The Congress should not have made this last-minute change, creating this unfortunate ambiguity, in the scope of the bill.

In addition, the Conference Report makes certain changes that, though sounding technical, may cut off a victim's ability to sue a negligent manufacturer. The Report deletes a provision that would have stopped the statute of limitations from running when a bankruptcy court issues the automatic stay that prevents suits from being filed during bankruptcy proceedings. The effect of this seemingly legalistic change will be that some persons harmed by companies that have entered bankruptcy proceedings (as makers of defective products often do) will lose any meaningful opportunity to bring valid claims.

Similarly, the Conference Report reduces the statute of repose to 15 years (and less if States to provide) and applies the statute to a wider range of goods, including handguns. This change, which bars a suit against a maker of an older product even if that product has just caused injury, also will preclude some valid suits.

In recent weeks, I have heard from many victims of defective products whose efforts to recover compensation would have been frustrated by this bill. I have heard from a woman who would not have received full compensatory damages under this bill for the death of a child because one wrongdoer could not pay his portion of the judgment. I have heard from women whose suits against makers of defective contraceptive devices—and the punitive damages awarded in those suits—forced the products off the market, in a way that this bill's cap on punitives would make much harder. I have heard from persons injured by products more than 15 years old, who under this bill could not bring suit at all.

Injured people cannot be left to suffer in this fashion; furthermore, the few companies that cause these injuries cannot be left, through lack of a deterrent, to engage in misconduct. I therefore must return the bill that has been presented to me. This bill would undermine the ability of courts to provide relief to victims of harmful products and thereby endanger the health and safety of the entire American public. There is nothing common sense about such reforms to product liability law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1996.*

The SPEAKER pro tempore (Mr. HORN). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the bill, H.R. 956, be postponed until Thursday, May 9, 1996, and that upon further consideration of the veto message on that day, the previous question be considered as ordered on the question of passage of the bill, the objections of the President to the contrary notwithstanding, without intervening motion or debate except 1 hour of debate on the question of passage.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Without objection, consideration of the veto message on H.R. 956 will be postponed until Thursday, May 9, 1996, and, upon further consideration of the veto message on that day, the previous question shall be considered as ordered on the question of passage of the bill, the objections of the President to contrary notwithstanding, without intervening motion or debate, except 1 hour of debate on the question of passage.

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE OVERSIGHT TO FILE REPORT ON HOUSE RESOLUTION 417, PROVIDING AMOUNTS FOR EXPENSES OF SELECT SUBCOMMITTEE ON UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight may have until midnight tonight, May 6, 1996, to file a report on House Resolution 417, providing amounts for the expenses of the Select Subcommittee on the United States role in Iranian arms transfers to Croatia and Bosnia of the Committee on International Relations in the Second Session of the 104th Congress.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Illinois?

There was no objection.

THE PRETEND PRESIDENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Clinton is just pretending to be President, He is just pretending to propose solutions to our Nation's problems. Let me illustrate what I mean.

Take the issue of helping the working poor. The President, by proposing an increase in the minimum wage, has a pretend solution to a real problem. Raising minimum wage will cause job loss and won't help the working poor. Even President Clinton agrees. He said so in Time magazine in 1995. If President Clinton thought raising the minimum wage was a good idea, he should have raised it when the Democrats had control of the Congress during the first 2 years of his term. He didn't I can only conclude that the President doesn't want to help the working poor, only wants to pretend to help.

Another recent example of pretending is the announcement that he will sell 12 million barrels of oil from the strategic petroleum reserve in an effort to reduce rising gasoline prices. Twelve million barrels sounds like a lot of oil, but it is less than a day's supply for the Nation. The sale of oil will have a negligible effect on prices. If he wanted a real solution to a real problem, he would support repeal of his 4.3 cents a gallon gasoline tax of 1993. However, President Clinton would rather make a bold announcement and pretend to do something about rising gas prices.

We need a President that has real solutions for real problems. Not a President who is playing ''let's pretend.''

MEDICARE TRUSTEES REPORT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Medicare trustees reported last year that the part A trust fund, covering all inpatient hospital care, would be bankrupt by the year 2002, essentially confirming the findings of the Kerrey Commission. However, in light of new Treasury Department estimates that the trust fund ran a $4.2 billion deficit through the first half of fiscal year 1996, experts, including the former Chief Actuary to HCFA, now conclude that the trust fund could be bankrupt in the year 2000, just 4 years from now. These facts should propel the administration to join the congressional initiatives to preserve Medicare. Instead, the April 1 deadline for this year's trustees report has come and gone with no White House action. It seems the White House is employing stalling tactics and stonewalling Medicare reform rather than saving the program. I urge the President to shelve the excuses, produce the report and join with the efforts currently underway in Congress to save Medicare now. Our Nation's seniors and others dependent on Medicare cannot tolerate the same White House failures to fix Medicare that we have endured for the last 4 years.

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, on Wednesday, May 1, I was unavoidably detained for rollcall votes 141 through 145.

Had I been present, I would have voted ''aye'' on votes 141, 142, 144, and 145. I would have voted ''no'' on rollcall No. 143.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE THING THAT WILL NOT DIE—REPUBLICANS' PLAN TO CUT EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, increasingly the extreme agenda of the gentleman from Georgia [Mr. GINGRICH] and his leadership team reminds me of a bad 1950's B movie plot: The thing that would not die. They continue to resurrect bad ideas that have rightfully been shot down because in fact they have hurt working families in this country.

The latest example of a bad idea that will not stay dead is the House Republicans' plan to cut education.

It was only about 2 weeks ago when Speaker GINGRICH and other congressional Republicans waved the white flag and surrendered their extreme position on cutting education. They proposed making the deepest cuts in the history of public education in this Nation, totaling $3.1 billion, and it took the outrage of parents and teachers and students at the grassroots level in addition to the determination of the President, of the congressional Democrats, to force Republican leadership to stop this wrongheaded attitude and attack on our Nation's future.

But let me say that parents do not rest easy. No sooner do we think that this bad idea is dead and buried, that then it finds new life.

Yesterday House Majority Leader DICK ARMEY proposed cutting education to pay for the repeal of the gas tax. I quote:

> But the fact of the matter is, given our ability to contain the cost of energy and give tax relief, maybe we ought to take another look at the amount of money we are spending on education.

Direct quote: I watched the program.

Now I support a cut in the gas tax and would vote for such a thing. But who is going to get the benefit of it? Is the consumer going to get the 4.3 cents, or is that money going to go into the pockets of big oil?

That is what the danger is here, and what is going to get cut in order to pay for that tax cut? The last thing I want to see is a political game being played that does not really save the consumers any money in the end.

Is it not funny that when the increase, when it goes up, when the stock market goes up in its price, and the gas prices go up at the pump, when that goes down, when the stock market goes down, is it not funny that the gas prices for consumers and for families grudgingly comes down and takes a very, very long time for it to do it?

If we are going to cut the gas tax, then we should have the big oil companies pay for that gas tax cut and not education programs that serve working families in this country.

The other thing that we ought to consider at the same time is how come the prices rose so quickly, how come all the prices went up at the exact same time with the exact amount of increase? Is not that strange?

Let us take a look at and investigate that portion of this debate.

Let me just say that instead of cutting corporate pork the gentleman from the big oil State of Texas proposes cutting education for our kids to

pay for a tax cut that will have resulted in a major windfall for the wealthy oil barons in this Nation.

We all know that education holds the key to the American dream for the progress of working families in this country, yet the extreme agenda of the Republican revolution calls for devastating cuts in education. Their bill last year would have cut basic skills training, reading, writing, arithmetic by 17 percent.

The Republican majority tried last year to cut safe and drug-free schools by 57 percent, which would have denied 23 million children in this country these common-sense protections.

The extremists would have proposed killing President Bush's bipartisan Goals 2000 initiative which is helping 44 million children nationwide raise the standards of their educational performance, and in an age when tuition costs for college are going through the roof, the majority attempted to roll back direct student loans which would have denied 1,200 schools and 2.5 million students the opportunity to participate in this initiative that makes college more affordable for working families in this country.

Mr. Speaker, I think the Republican leader's advisers must have been too close to the gas fumes when they told him to propose that one. Hard-working American families struggle and scrimp every simple day to provide educational opportunities for their kids. They know, no one knows better than them, that in today's economy what you earn depends on what you learn.

So these middle-class folks take responsibility for their families, and maybe they do not take that vacation, and maybe they do not buy expensive clothes. We should honor their sacrifice. Let us help working families play by the rules. Help them get their kids a good education. Let us not give a tax break and pork to the special interests. Let us help working families and not cut education programs.

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. RIGGS] is recognized for 60 minutes as the designee of the majority leader.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

[Mr. DORNAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GOSS) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on May 7, 8, 9, and 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. CARDIN.
Mr. SERRANO in two instances.
Mr. POMEROY.
Ms. HARMAN.
Mrs. LINCOLN.
Mr. SKELTON.
Mr. CONYERS.
Mr. LANTOS.
Mrs. KENNELLY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1720. An act to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

ADJOURNMENT

Ms. DELAURO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 7, 1996, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2800. A letter from the Chief, Forest Service, transmitting the Service's final rule—Disposal of National Forest System Timber; Modification of Timber Sale Contracts in Extraordinary Conditions (Interim Final Rule) (RIN: 0596–AB58) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2801. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting the Comptroller's final rule—Community Reinvestment Act Regulations (RIN: 1557–AB51) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2802. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Community Reinvestment Act Regulations (RIN: 1557–AB51) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2803. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the final report of the Assistant General Counsel for Professional Liability of the RTC, also the final report on Coordinated Pursuit of Claims for the period concluding December 31, 1995, pursuant to 12 U.S.C. 1441a(w)(10)(C) and 12 U.S.C. 1441a(b)(11)(G); to the Committee on Banking and Financial Services.

2804. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on the activities and efforts of the RTC, the FDIC, and the Thrift Depositor Protection Oversight Board for the 3-month period ending December 31, 1995, pursuant to Public Law 101–73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

2805. A letter from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Temporary Suspension of Approval of a Premarket Approval Application (RIN: 0910–AA09) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Commerce.

2806. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Monitoring Requirements for Public Drinking Water Supplies: Cryptosporidium, Giardia, Viruses, Disinfection Byproducts, Water Treatment Plant Data and Other Information Requirements (FLR–5501–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2807. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to Standards of Performance for New Stationary Sources; Small Industrial-Commercial-Institutional Steam Generating Units (FLR–5467–8) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2808. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Adjustment of Reid Vapor Pressure Lower Limit for Reformulated Gasoline Sold in the State of California (FLR–5501–3) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2809. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan [SIP] Addressing Visible Emissions (FLR–5468–2) received May 2, 1996,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2810. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Attainment Extensions for PM–10 Nonattainment Areas: Idaho (FLR–5500–4) received May 2, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2811. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerance (PP 5E4521/R2230) (FLR–5364–9) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2812. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin B1 and Its Delta-8, 9–Isomers; Extension of Time-Limited Tolerances (PP 4E4419/R2236) (FLR–5366–8) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2813. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxaprop-Ethyl; Extension of Study Due Date and Time-Limited Tolerances (PP 9F3714/R2214) (FLR–5354–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lactofen; Pesticide Tolerance (PP 4E4418/R2231) (FLR–5365–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois (FLR–5436–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois (FLR–5464–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2817. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extremely Hazardous Substances (FLR–5468–5) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District and Ventura County Air Pollution Control District (FLR–5456–9) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio (FLR–5467–3) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2820. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Emission Statement Regulation, Ozone Nonattainment Area, Designation, Definition (FLR–5468–8) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2821. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District (FRL–5464–2) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2822. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District (direct final) (FRL–5466–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2823. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2824. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Korea (Transmittal No. DTC–17–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2825. A letter from the Director, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Removal of Certain Restrictions on Importation of Defense Articles and Defense Services from the Russian Federation (27 CFR part 47) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2826. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code, section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform and Oversight.

2827. A letter from the NARA Regulatory Policy Official, National Archives, transmitting the Archives' final rule—Disposition of Federal Records (RIN: 3095–AA65) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2828. A letter from the Secretary of the Interior, transmitting notification that it is in the public interest to use procedures other than full and open competition to award a particular Department of the Interior program, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

2829. A letter from the Chief, Forest Service, transmitting the Service's final rule—Smith River National Recreation Area (RIN: 0596–AB39) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2830. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to Requirements for Authorized State Permit Programs under Section 402 of the Clean Water Act (FLR–5500–9) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2831. A letter from the Associate Director, National Institute of Standards and Technology, transmitting the Institute's final rule—Grant Funds—Materials Science and Engineering Laboratory—Availability of Funds (RIN: 0693–ZA02) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2832. A letter from the Associate director, National Institute of Standards and Technology, transmitting the Institute's final rule—Continuation of Fire Research Grants Program—Availability of Funds (RIN: 0963–ZA06) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2833. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulations: Loan Guaranty and Vocational Rehabilitation and Counseling Programs (RIN: 2900–AG65) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2834. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Delegation of Authority to Order Advertising for Use in Recruitment (RIN: 2900–AH74) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2835. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Servicemen's and Veterans' Group Life Insurance (RIN: 2900–AH50) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans Affairs.

2836. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revenue Ruling 96–26—received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2837. A letter from the Deputy Under Secretary for Environmental Security, Department of Defense, transmitting an interim summary report on the DOD Environmental Scholarships and Fellowships Programs, pursuant to Public Law 102–484, section 4451(j) (106 Stat. 2737) and Public Law 103–160, section 1333(h)(2) (107 Stat. 1800); jointly, to the Committees on National Security and Economic and Educational Opportunities.

2838. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled the ''Statistical Confidentiality Act''; jointly, to the Committees on Government Reform and Oversight, Commerce, the Judiciary, Science, and Economic and Educational Opportunities.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(The following action occurred on May 3, 1996)

Mr. ARCHER: Committee on Ways and Means. H.R. 3286. A bill to help families defray adoption costs, and to promote the adoption of minority children; with an amendment (Rept. 104–542,

Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 6, 1996]

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1861. A bill to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; with an amendment (Rept. 104–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 2137. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders; with an amendment (Rept. 104–555). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 2511. A bill to control and prevent commercial counterfeiting, and for other purposes (Rept. 104–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 2980. A bill to amend title 18, United States Code, with respect to stalking; with an amendment (Rept. 104–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1734. A bill to reauthorize the National Film Preservation Board, and for other purposes; with an amendment (Rept. 104–558 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on House Oversight. House Resolution 417. Resolution providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the second session of the 104th Congress; with an amendment (Rept. 104–559). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the following action was taken by the Speaker: The Committees on Resources, Transportation and Infrastructure, and National Security discharged from further consideration; H.R. 3322 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

(The following action occurred on May 6, 1996)

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1734. Referral to the Committee on House Oversight extended for a period ending not later than June 21, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. MILLER of California, and Mr. BROWN of California):

H.R. 3392. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on Government Reform and Oversight, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mrs. LINCOLN, Mr. STENHOLM, and Mr. PAYNE of Virginia):

H. Res. 425. Resolution providing for the consideration of the bill (H.R. 2915) to enhance support and work opportunities for families with children, reduce welfare dependance and control welfare spending; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 931: Mr. SHAYS.

H.R. 940: Mr. KENNEDY of Rhode Island.

H.R. 1023: Mr. LAHOOD, Mr. MENENDEZ, and Mr. PETERSON of Minnesota.

H.R. 2137: Mr. RAMSTAD.

H.R. 2167: Mr. NADLER, Mrs. VUCANOVICH, and Mr. PETERSON of Minnesota.

H.R. 2749: Mr. STUMP and Mr. MANZULLO.

H.R. 3170: Mr. LAZIO of New York and Mrs. ROUKEMA.

H.R. 3173: Mr. WAXMAN.

H.R. 3246: Mrs. KENNELLY.

H.R. 3268: Mr. GUNDERSON, Mr. SAM JOHNSON, Mr. RIGGS, Mr. SOUDER, Mr. WELDON of Florida, Mr. GREENWOOD, Mr. BARRETT of Nebraska, Mr. BALLENGER, Mrs. MEYERS of Kansas, Mr. GRAHAM, AND Mr. KNOLLENBERG.

H.R. 3310: Mr. NEUMANN and Mr. ISTOOK.

H.J. Res. 178: Mr. ZIMMER and Mr. BLUTE.

H. Con. Res. 160: Mr. CASTLE, Mr. BERMAN, Mr. MCHUGH, Mr. BEREUTER, Ms. WOOLSEY, Mr. THOMPSON, Mrs. MEYERS of Kansas, Mr. WALKER, Mr. LEWIS of Georgia, Mr. DIXON, Mr. SHAW, Mr. FALEOMAVAEGA, Mrs. LINCOLN, Ms. SLAUGHTER, Mr. SCHUMER, Mr. DELLUMS, Mrs. MALONEY, Ms. MCKINNEY, Mr. BLUTE, and Mr. STUDDS.

H. Res. 30: Mr. TIAHRT, Mr. CARDIN, Mr. MCINNIS, Mr. WILLIAMS, and Mr. CHABOT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2974

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 1: Add at the end the following new section:

SEC. 3. FEDERAL JURISDICTION OVER RAPE AND SEXUAL ASSAULT CASES.

Section 2241 of title 18, United States Code, is amended by adding at the end the following:

''(e) PUNISHMENT FOR SEXUAL PREDATORS.—(1) Whoever, in a circumstance described in paragraph (2) of this subsection—

''(A) violates this section; or

''(B) engages in conduct that would violate this section, if the conduct had occurred in the special maritime and territorial jurisdiction of the United States, and—

''(i) that conduct is in interstate or foreign commerce;

''(ii) the person engaging in that conduct crossed a State line with intent to engage in the conduct; or

''(iii) the person engaging in that conduct thereafter engages in conduct that is a violation of section 1073(1) with respect to an offense that consists of the conduct so engaged in;

shall be imprisoned for life.

''(2) The circumstance referred to in paragraph (1) of this subsection is that the defendant has previously been convicted of another State or Federal offense for conduct which—

''(A) is an offense under this section or section 2242 of this title; or

''(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, MONDAY, MAY 6, 1996 No. 61

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have promised that ''As Your days, so shall Your strength be.'' We praise You that You know what is ahead of us this week and will provide us with exactly what we need in each hour and in each circumstance. We relax in the knowledge that You will neither be surprised by what evolves or incapable of sustaining us in any eventualities. You will show us the way all through this week.

Therefore, we resist the temptation to be anxious or to worry over whether we have what it takes. Instead, we will receive what You have offered: hope for our discouraging times, replenishing energy for our tired times, and renewed vision for our down times. We dedicate this week to You. Protect us from the pride that supposes we can be self-sufficient, and the vanity that refuses to submit our needs to You. Help us not only to walk more closely with You, but to be open to Your encouragement through others. May we all live this week as a never-to-be-repeated opportunity to glorify You by serving our Nation with patriotism and loyalty. In our Lord's name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

Mr. DOLE. Thank you, Mr. President.

SCHEDULE

Mr. DOLE. Mr. President, we will have morning business until the hour of 3 p.m., with Senators to speak for up to 5 minutes each. Senator DASCHLE, or his designee, is in control of the first 90 minutes; Senator COVERDELL, or his designee, is in control of the next 90 minutes. If there are no requests for morning business, then we may stand in recess during part of that period until 3 o'clock.

At 3 o'clock, we will resume consideration of H.R. 2937. We will have no rollcall votes. There will be a cloture vote on H.R. 2937, the White House Travel Office legislation at 2:15 p.m. on Tuesday. Under the provisions of rule XXII, Senators have until 1 p.m. today to file first-degree amendments to H.R. 2937. Hopefully, we can complete action on the Travel Office bill on Tuesday.

Other items possible for consideration this week, if we can work them out, are: Amtrak authorization; the firefighters age discrimination bill; and the balanced budget constitutional amendment.

I hope we might be able to pass the balanced budget constitutional amendment early this week or next week. It is supported by 80 percent of the American people. We addressed some of the concerns that some of my colleagues who voted against the amendment expressed last year about protecting Social Security. We believe we will have language that should satisfy real concerns—if somebody is playing games, we will not satisfy them—if they have real concerns. We are also concerned about protecting Social Security.

In our balanced budget, which we sent to the President, which he vetoed, we did not touch Social Security. We believe we can overcome some of the objections that some have if they are real concerns. Otherwise, we will not be able to do that.

Tomorrow is tax freedom day. That is when people can take a break from taxes. Starting on the 8th of May, they start working for themselves instead of the governments who impose taxes. It will be a good day to pass the gas tax repeal. It seems to me it might have a nice ring to it.

Mr. President, 4.3 cents may not seem like a lot per gallon, but it adds up to about $4.8 billion a year, and it does not go into any fund to build highways. It goes into what we call deficit reduction, which has only been done one other time. That was on a very temporary basis between 1990 and 1993, when 2.5 cents went into tax reduction. That was necessary to get an agreement on the 1993 budget. Normally, gas taxes are used for highways, bridges, and other structures, and mass transit to help improve travel conditions for people to make the highways safer, mass transit safer.

But this gas tax by President Clinton for deficit reduction is permanent. We think it should be repealed. We can find ways to cut spending or some other way to offset it if we are not going to add to the deficit. We think we can do that.

There is a bill at the desk, Calendar No. 374, H.R. 2337, the taxpayer bill of rights. Sometime before the day is out, I will ask consent that we be able to take up that bill and offer one amendment—that would be the gas tax repeal—and send it back to the House. I am certain they will pass it very quickly. As I understand, there is bipartisan support now for repealing the gas tax. Maybe we can accomplish it on that revenue bill.

I have also asked Senator LOTT and Senator LOTT has reported to me he had a good discussion on Friday with Senator DASCHLE with reference to scheduling the minimum wage. We believe we have made a fair proposal. We hope it might be accepted.

Otherwise, I think the matter people are really concerned about in America is a balanced budget and whether we have the will to amend or at least send a constitutional amendment to the States and see if three-fourths of the States will ratify it. If that happens,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the constitutional amendment, if it is ratified, of course, becomes part of the Constitution. Then we will have more discipline in the Congress when it comes to spending taxpayers' money and when it comes to ordering priorities.

Beyond that, anything else that should occur, we will make an announcement on the Senate floor this afternoon.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak up to 5 minutes each, with Senator DASCHLE, or his designee, in control of the first 90 minutes, and Senator COVERDELL, or his designee, in control of the second 90 minutes.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak for about 10 to 12 minutes.

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

LOW-LEVEL RADIOACTIVE WASTE STORAGE IN CALIFORNIA

Mr. MURKOWSKI. Mr. President, I wish you a good morning. I ask you to imagine the following situation: You are stricken with bone cancer. Unfortunately, your doctor informs you that radiation therapy is no longer an option because it creates low-level radioactive waste and they simply cannot store any more.

Or another one: A loved one tests HIV positive. Sadly, we learn that breakthrough research using radioactive materials to find a cure for AIDS is being suspended. Why? Because we cannot store any more waste.

Finally, imagine this: You are the parent of a student at the University of California. You're informed that a fire occurred in a radioactive storage waste building on campus and exposed your son or daughter to radiation released by the fire.

These are not farfetched situations, Mr. President. In fact, radioactive waste is piling up on college campuses, hospitals, and businesses at some 800 sites in California alone.

This chart tries to depict the distribution of low-level radioactive waste that is stored today in California. The current situation shows that it is virtually all over—in the bay area, the Sacramento area, southern California, Los Angeles, San Diego, and so forth. There are 2,254 material licensees who store waste at some 800 sites in populated areas, endangered by the threat of fires, earthquakes, and floods. It is an extraordinary expense and duplication of effort.

Over 2,000 colleges, hospitals, and businesses in California alone are licensed to use radioactive materials. I have a list of them. There are radioactive materials or waste in San Francisco, as a matter of fact, at the Golden Gate Park in San Francisco; in Chinatown, at 845 Jackson Street, to be specific; the University of San Francisco at 2130 Fulton Street; in Santa Monica at 2200 Santa Monica Boulevard; in Beverly Hills at 9400 Brighton Way.

These are just a few of the research centers, the hospitals, the biotechnical firms, and the cancer treatment centers that use radioactive materials. These materials are needed and used to improve and prolong our lives.

But we endanger our opportunity to enjoy these benefits when we do not allow the State of California to carry out the radioactive trash for proper disposal. That is exactly what is happening today because our Interior Secretary, Bruce Babbitt, will not allow the State of California to dispose of its low-level waste at Ward Valley, which is the site California has licensed for this waste.

Mr. President, let me show you the second chart. This is California without those 800-plus sites, with 1 site designated as a repository for low-level waste, 1 site in a remote area away from the populated areas, away from the area of southern California, away from the bay area. This was a site selected after a 7-year process of scientific study and public input. It is a site secure from fires, earthquakes, and floods. It is carefully monitored and regulated, meeting all Federal and State health and safety protection standards.

Is it not better, Mr. President, to just have 1 site for low-level radioactivity instead of over 800 sites? Certainly it is. Soon we could reach a point where advanced medical treatment for cancers and other medical research will be curtailed or even halted due to a failure to deal with the waste problem.

Is this a sane situation? Certainly not. Unfortunately, many of the temporary sites used for storage of radioactive waste across California are vulnerable to exposure such as fires, earthquakes, or floods, which could cause an accidental release of radioactivity in urban or suburban neighborhoods. Doctors are worried that the storage problem will impact, if you will, future cancer treatment. Researchers are worried that it will impact medical research. Educators are wondering how they will explain to the parents of students that their children live on campus that stores low-level radioactive waste.

Clearly, Mr. President, California has an environmental problem. But to California's credit, California has acted in good faith to address this problem.

Mr. President, as chairman of the Energy and Natural Resources Committee, which has the oversight for this matter of both low-level and high-level radioactive waste, I commend the Governor and the State of California for the manner in which they have attempted to live under the Federal law which has given the States the authority to address low-level waste.

Acting in accordance with the Low Level Radioactive Waste Policy Act and all applicable environmental laws and regulations, California has found a solution. California wants this radioactive waste, used, again, by more than 2,200 licensees in California, they want it to be removed from those 800 suburban and urban locations to a safe, licensed monitoring location at Ward Valley in the Mojave Desert, which I have shown on the chart here.

Let us go back and look at a little of the history. After an 8-year effort under the NRC guidelines, the Nuclear Regulatory Commission guidelines, and the expenditure of over $45 million, the California Department of Health Services issued a license for a low-level waste site at Ward Valley. The California Department of Health had the authority to issue the license. The Federal Government gave them the authority. They issued it.

But even with that license in hand, the operator of the site has been unable to begin construction and operation because radical antinuclear activists have launched a crusade to stop Ward Valley. Those activists have used every conceivable method. They have sued. They have demonstrated. They have occupied the site. They have made outrageous and scientifically indefensible claims.

But these groups are wrong. They have been proven wrong. All of their radical lawsuits challenging the licenses have been heard, and they have been dismissed. Their legal challenges have been exhausted.

Two environmental impact statements have shown their radical claims about Ward Valley's environmental impacts to be absolutely inaccurate, just plain wrong. The two biological opinions from the Endangered Species Act have shown their radical claims about Ward Valley's impact on the desert tortoise are simply wrong. They have reached out under every conceivable avenue in an attempt to find an excuse to stop going ahead with Ward Valley.

In a special scientific report which was prepared for Secretary of the Interior Babbitt, the National Academy of Sciences concluded, on the issue of ground water contamination which was certainly a legitimate consideration, that there is a highly unlikely prospect of any potential threat of ground water contamination in this area with so little rainfall out in the Mojave Desert.

They further stated that there is no health threat posed to Colorado River drinking water as some of the radical opponents continue to erroneously claim. They claim that somehow this is going to seep down into the ground water and get into the Colorado River. They will reach out and conclude almost anything, Mr. President.

As the chairman of the National Academy's committee recently wrote:

. . . none of the data reviewed by the Committee support further delay or opposition to construction of this facility, provided the oversight and monitoring recommendations of the Committee are in place.

On the merits, the radical antinuclear activists have been slamdunked. But merits are not enough in this process, Mr. President, as we both know. As the Senator from Wyoming and myself, the Senator from Alaska, have seen time and time again, you can win on the merits and you can lose on the emotional arguments.

But on this issue, the activists have lost every battle. They have been proven wrong again and again and again.

But the BLM land for the Ward Valley site has not been transferred to the State of California. This is BLM, Bureau of Land Management, land in California. It has not been transferred. Why? The waste still sits in the neighborhoods, still sits in the schools, still sits in the hospitals.

Why has it not been done? It has not been done because the antinuclear activists have convinced the Interior Department to stand in the way of the transfer. At each opportunity they present a new twist, a new obstacle. The latest twist involves the discovery of elevated levels of tritium gas at an old low-level waste site in Beatty, NV. Opponents of Ward Valley claim that this somehow proves that the same thing will happen at Ward Valley. The Interior Department is now using this as an excuse for further delay at Ward Valley.

It is interesting to note what Secretary Babbitt's own Director of the U.S. Geological Survey, in a memorandum dated February 14, had to say about the supposed links between the Beatty site and Ward Valley:

. . . the observed tritium distribution at Beatty is probably the result of the burial of liquid wastes and the fact that some disposal trenches at Beatty were left open for years until filled, allowing accumulation and infiltration of precipitation. . . . The [Ward Valley] license does not permit disposal of radioactive waste in liquid form and requires that only the minimum amount of open trench necessary for the safe and efficient operation shall be excavated at any one time. Because of the differences in waste burial practices at the Beatty site compared to those intended for the Ward Valley site . . . extrapolations of the results from Beatty to Ward Valley are too trenuous to have much scientific value.

The day after receiving this memo, the Deputy Secretary of the Interior called for further tests, further delays, even though the scientific advice he received was to the contrary.

Now, what you have here is a rather interesting situation. You have the State of California, who has gone through a process of expending over $40 million on the evaluation, the application, and the licensing. Who has a greater responsibility to the health and welfare of the people of California than the Governor and the California Department of Health that have approved this site? They are certainly competent in determining whether or not the recommendations by the scientific community are carried out, all Federal and State laws are mandated in compliance with regulations. The Secretary somehow seems to dismiss this.

Why would the Interior Department want to take this attitude? Some suggest they made a political calculation that Ward Valley can yet be another environment issue that can be shaped to make perhaps Congress look bad with respect to protecting the environment.

I am here to say that their political calculation is wrong, Mr. President. On the issue of Ward Valley, the radical and antinuclear activists and their friends in the administration have simply gone too far. I think they have crossed the line, because they are jeopardizing the environment, because they are jeopardizing human health and safety, because they evidently would rather keep radioactive waste near the schools and the neighborhoods than at a licensed site in the remote desert, a remote area where people are far away, where children do not play and people do not work.

Put simply, they have gone too far because their radicalism has reached the point where it will start harming the safety of the people. They think they can get away with that, because they believe Ward Valley can be spun as an issue where the so-called environmentalists are keeping Congress from thrashing the environment. Sooner or later, even in this town, even with the media perception being what it is with respect to radioactivity, I have to believe that the plain and simple truth will eventually defeat this misinformation.

The plain and simple truth is this, Mr. President: We have an obligation to protect the environment. We want to protect the environment. If you want to maintain important medical research, advance treatment, and so forth, if you want to get stored radioactivity waste out of schools, hospitals, and neighborhoods to a site that the National Academy of Sciences and the State of California says is best, opening Ward Valley is the right thing to do.

Just do not take my word for it, Mr. President. Take the word of the National Association of Cancer Patients; the Association of American Medical Colleges; the American College of Nuclear Physicians; the California Medical Association; the American Medical Association; the Southwestern Low-Level Radioactivity Waste Commission, representing California, Arizona, North Dakota, and South Dakota; the Southeast Compact Commission, representing Alabama, Florida, Georgia, Mississippi, North Carolina, Tennessee, Virginia; the Midwest Interstate Low-Level radioactivity Waste Commission, representing Indiana, Iowa, Minnesota, Missouri, Iowa, Wisconsin; the Northwest Interstate Low-Level Radioactivity Commission, representing Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming; the State of California Department of Health; University of California at Los Angeles, UCLA; University of Southern California; Stanford University—and more, Mr. President, too numerous to name, who all support Ward Valley.

Mr. President, this should not be a partisan issue. We have not sought to make it a partisan issue. Senate bill 1596, a bill to transfer the land to the Ward Valley site, was introduced by both a Democrat and Republican. It was voted out of committee by bipartisan voice vote.

Let me warn those who attempt to make this a partisan issue. If you oppose the bill for partisan political purposes, you are on the wrong side of science. You will be on the wrong side of the environment. You will be on the wrong side of human health and safety. You will endanger the viability of the Low-Level Radioactivity Waste Policy Act. The result of that might mean that the next low-level waste will be in your State. I invite any and all my colleagues to join me in cosponsoring Senate bill 1596.

Mr. President, the point I want to make here—and I think it is very important—this is an issue that is in the interest not just of the State of California but of the entire Nation. It is going to set the threshold for just what we do with low-level waste, whether we continue, like the ostrich, to bury our head in the sand and simply ignore it.

We have seen, in this chart, in the State of California we have over 800 sites. If those critics propose no other alternative, or whether we have one site that is approved by the State, supported by the Governor, addressed by the National Academy of Science, then we can proceed with this. That will set, if you will, policy in other States where we have the same set of circumstances, perhaps not as acute in California. I suggest New York and other areas where we have a concentration of population and advanced medical and technical experiments going on. It is not a partisan issue.

It is an environmental issue. It is a responsible environmental issue. And this administration and this Secretary of the Interior by not coming up with an alternative that is better than that proposed by the State of California after the Federal Government has given the States the authority to proceed with disposing the low-level waste is acting irresponsibly.

What has happened here? I do not criticize President Clinton. But I criticize the bad advice that he has been given by Secretary Babbitt because the White House, in following the advice of the Secretary of the Interior, has made this a partisan political issue, and they should not have done so. The issue is science. Science is on our side. The public health and the safety arguments are on our side.

Ward Valley is the legitimate site. If we are going to give the States the responsibility, as we have done, and then

turn around and not let them exercise that responsibility, then the enemy, as is often the case, is us.

We have an opportunity to do something about it, Mr. President. Senate bill 1596 is just that. It would legislate because the Secretary of the Interior refuses to proceed the land exchange mandating that the Federal Government make this site available to the State of California.

Mr. President, I could not be more outspoken in my frustration, and joining with the State of California in a matter in which this issue—which affects the health and the welfare, and sets the precedent for the manner in which we are going to address the eventual disposition of low-level nuclear waste—is to be addressed.

How can we, Mr. President, think we will resolve the issue of managing the high-level radioactive waste that has been generated around this country by our national defense facilities as well as our nuclear powerplants if we cannot even agree on what to do with low-level waste? That is the situation we are facing today.

We have a proposal before this body to designate the Nevada test site as the site for a temporary high-level nuclear waste storage facility. What is this all about, Mr. President?

What we have done over the last 15 years or so is expend over $5 billion to investigate the suitability of Yucca Mountain, NV, as a site for a permanent geologic repository for high-level nuclear waste. Yucca Mountain is adjacent to the Nevada test site, which, for the last 50 years or so, has been used for a series of above and below ground tests of atomic bombs. The Nevada test site is an area of Nevada that is still off limits to the public because of the activities that have taken place there. I have been there. I have been in the tunnel that is being dug into Yucca Mountain to evaluate the permanent repository site. Currently the test tunnel is nearly 3 miles long. However, the prospect of the geologic repository being the answer to our immediate high-level waste storage problem is fraught with the same bureaucratic inefficiencies associated with the Ward Valley low-level waste facility that I just discussed.

The crux of the current situation is that we have waste stored throughout the Nation adjacent to our nuclear powerplants. About 20 percent of our country's power generation comes from nuclear powerplants. This waste is stored at the plant sites. On-site storage is licensed by the Nuclear Regulatory Commission. But the fact is that the Federal Government made a contractual commitment to take that waste away from the reactor sites by the year 1998. Under those contracts, the Federal Government has collected about $11 billion from America's ratepayers to pay for a government facility to store the nuclear fuel. Under the existing program, we are not going to be able to meet the Government's commitment to take waste in 1998 or anytime in the near future. Already, there are lawsuits that have been filed against the Federal Government for nonperformance.

So here we sit, with a program that is continuing to pursue a permanent geologic repository with no other alternatives in sight. We will spend perhaps another $4 to $5 billion before the Department of Energy will make a decision as to whether or not it should apply for a license for Yucca Mountain for use as a permanent repository. Then we have to actually get it licensed. Although the odds on the site being found suitable by the Department of Energy have been set at 80 percent, the odds on actually getting a license from the Nuclear Regulatory Commission have been set at 50–50. This gives you some idea of the gamble we are taking with the ratepayer's money.

So what many of us have proposed is that the Nevada test site be used for an interim storage site for spent nuclear fuel until there is a determination of whether or not Yucca Mountain can be licensed for permanent storage.

There are some interesting things going on in the area of nuclear waste disposal. Japan, France, and England operate under an entirely different theory. Legitimate concerns over nuclear weapons proliferation arise because nuclear reactors generate small amounts of plutonium mixed into their spent nuclear fuel. It is a policy in the United States that we take this high-level waste and bury it. In France and Japan the practice is to recover it, and through a MO_x fuel process, put it back into the nuclear reactors, burn it, and thereby reduce the proliferation risk. Each country's ultimate disposition of its high-level waste is an interesting comparison, to say the least. The French and the Japanese, of course, have the theory of burning plutonium by injecting it into the reactor with depleted uranium. This disposes of the proliferation threat because the high-level waste that result does not contain plutonium. You have a residue that is a glass-like substance. The point is that this kind of material cannot be reprocessed and an explosive device made out of it.

So while it is a rather complex concept, Mr. President, the theory is that you can either choose to bury your high-level waste permanently in the belief that you can build a site that can be proven to withstand earthquakes, that will withstand flooding, if it ever should occur, or some other natural event that might interfere with the storage site, or whether you use an advanced technical process and burn the plutonium and, therefore, eliminate the threat of proliferation.

Although other countries have chosen this different approach, I would like to point out that, in S. 1271, we are proposing that a temporary storage site be built in Nevada, and that the plan to build a permanent repository facility continue. Why Nevada, Mr. President? As I have said, the site would be in that portion of Nevada that has been used for tests of atomic bombs over the last 50 years. It is a site that obviously carries a great deal of experience with radioactive materials and seems to meet—at least as far as we can tell after 5 billion dollars' worth of research—the test as a viable site for a permanent repository. Having one interim storage facility would remove this material from the areas where it is currently stored near the nuclear power stations in some 41 States. We have over 80 storage areas in those 41 States. Illinois, for example, has several in their State. Centralizing all of that spent fuel in one location is really what we are talking about in designating the Nevada test site as a temporary storage site.

My good friends from Nevada are opposed to this. Why are they opposed to this? Well, unfortunately, we only have 50 States, Mr. President. You have to put nuclear waste somewhere. Where is the best place to put it? Well, in my mind, it seems to me that Nevada is the best place because the Nevada test site, used for nuclear materials testing for so long, is remote and is because of its use in the past, must be secured by the Government for the foreseeable future.

So why not use this site as a temporary repository until we can determine where our permanent repository will be? If the permanent repository site at Yucca Mountain is found to be suitable and the Department of Energy decides to go forward to try to get a license, we will need an interim storage facility at that site. Even after a suitability decision is made, we are going to have to spend another $4.5 or $5 billion to determine whether that site meets our licensing requirements for a permanent repository. That decision will be years down the line.

There is another activity going on here that I want to point out to my colleagues. Some groups see this as a way to terminate, if you will, the operations of many of our nuclear power generating reactors around the country because the spent fuel storage at those sites is almost filled to capacity. The Nuclear Regulatory Commission licenses them to a specific capacity, and when they are filled, why, obviously, they cannot add more spent fuel without violating their license. Building additional on-site storage requires State approval. Because the Federal Government is not able to fulfill its promise to take the fuel away, getting that approval usually becomes a very contentious process.

Of course, the utilities' plans to store spent nuclear fuel on-site were dependent on the Federal Government meeting its commitment to take that high-level nuclear waste from the power generators at those sites by the year 1998. However, we do not have the ability to meet that commitment; we do not have a permanent site licensed or

built. So temporary storage is an interim alternative that makes a lot of sense.

My colleagues from Nevada have suggested that interim storage is an impractical alternative because you are moving spent nuclear fuel from areas around the country where it is currently stored to one site in the State of Nevada. They have suggested that if it is decided that the permanent storage site will be somewhere else, you will have to move it again.

That is a bit presumptuous, because the site at Yucca Mountain is the best site that we have been able to come up with so far in all the 50 States. There is every reason to believe that ultimately Yucca Mountain will be determined the permanent site. In any case, we must move the spent nuclear fuel out of the other 80 sites where it is stored now and put it in one concentrated area until such time as a final decision is made about a permanent site. The Nevada test site is the best site. It will go across the country in casks that are engineered in such a way as to withstand any imaginable accident, including railroad derailments. These are very highly engineered containers. A great deal of expertise has gone into their design. So the exposure to the public from the standpoint of transportation is virtually nil. The risk can be almost eliminated. We can, therefore, safely take this waste that is in the 41 affected States, move it to Nevada, and temporarily store it until we have a permanent repository. That is what the legislation is all about.

As time goes on, I will urge the leadership to take up the legislation designating the Nevada test site as the site for a temporary storage facility, and I will proceed with extensive floor statements describing the sites around the United States where we have nuclear powerplants, the concentration of nuclear waste that is stored, and the merits of why the Nevada test site is the most logical and practical site and why we should do it now.

As I indicated earlier with my discussion of the Ward Valley low-level waste situation, this is yet another serious environmental issue where we are being urged by some to put our head in the sand rather than address a critical problem. This waste already exists. Further, we need the 20-percent electricity that is generated by the nuclear power industry. If we are to shut down those reactors, what are we going to replace it with? Are we going to replace it with coal or oil? That energy must come from some other source.

We need the nuclear power generating industry and its contribution to the electric supply of the United States. We cannot do without it. But whether or not we continue to have nuclear power, the question is how we can responsibly relieve the existing spent nuclear fuel that has accumulated over an extended period of time. How can we meet the Federal Government's obligation? The Federal Government has been paid $11 billion by ratepayers to take this waste by 1998, and we will not able to do it under the existing program.

The only responsible alternative is to proceed and designate the Nevada test site as a temporary repository site until such time as a permanent repository can be licensed. So it is my hope we can schedule this legislation in the not too distant future and proceed with legislation that presents a responsible alternative to the current irresponsible policy of simply avoiding a decision on this critical issue.

Mr. President, I have editorials from newspapers including the Oregon Statesman Journal, the Washington Post, the Denver Post, the St. Joseph, MO Herald Palladium, and the Harrisburg, PA Patriot-News, as well as many others, in support of naming Yucca Mountain a temporary repository for nuclear waste. I ask unanimous consent that a sample of these editorials be printed in the RECORD.

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

[From the Patriot-News, Jan. 26, 1996]

HIGH-LEVEL RISK: FEDERAL FOOT-DRAGGING LEAVES N–PLANTS NO OPTION BUT TO STORE WASTE ON-SITE

Two of the three nuclear power stations along the Susquehanna River may soon begin storing highly radioactive spent fuel in steel-and-concrete casks in on-site facilities specially built for the purpose.

This nuclear material, one of the most dangerous substances known to science, was never intended to be stored on a long-term basis at nuclear power plants. Under a law passed in 1982 by Congress, the Federal Government was assigned responsibility to take permanent custody of spent fuel from commercial nuclear reactors.

A long-term storage facility for the waste was to be opened by 1988, by the Energy Department, still conducting studies of the proposed Yucca Mountain site in Nevada, says it doesn't expect the facility to be ready until at least 2010.

This high-level radioactive waste is so lethal that it must be stored in a manner that will shield it from the environment for thousands of years, a period longer than mankind's recorded history. Not surprisingly, no state wants to serve as permanent host for the waste, but the end result of the failure of the government to move decisively to build a storage facility is that nuclear power stations around the country are fulfilling that role by default.

Under ordinary circumstances, spent fuel is removed from the reactor and held in nearby pools of water for several months to cool and to allow some of the radiation to dissipate. Utilities have gone to great lengths to devise ways to increase the capacity of the cooling ponds, but a growing number have run out of options and are moving to construct new facilities in which the waste is stored in dry steel-and-concrete canisters.

Pennsylvania Power & Light Co. plans to begin construction this year of a $10 million on-site spent-fuel storage facility at its Susquehanna nuclear power station at Berwick. PECO Energy Co. is contemplating a similar move at its Peach Bottom nuclear power facility in York County.

Three Mile Island is expected to have sufficient storage capacity to last through the expected life of that nuclear plant, according to owner GPU Nuclear Corp.

A lawsuit, in which GPU, other utilities and the state Public Utility Commission are participants, is seeking to force the federal government to speed up the process of establishing a high-level radioactive waste repository. A federal appeals court in Washington recently heard arguments in the case.

Meanwhile, there is legislation in Congress to establish an interim storage site near Yucca Mountain until a permanent facility is completed. In our view, this offers the most sensible answer to the nuclear-storage dilemma.

The country is courting catastrophe by permitting this highly dangerous waste to be stored in dozens of areas of the country, usually along waterways, and unnecessarily creating more radioactive-conaminated facilities, as well as expense for ratepayers.

Congress needs to end its dithering on this serious issue and move to bring this waste under federal control in a single facility until a permanent one can be built.

[From the Statesman Journal, Feb. 11, 1996]

CONGRESS STALLS ON NUCLEAR WASTE

Congress seems to be stalled on a bill to find a home for tons of waste from the nation's nuclear power plants.

Measures to establish a temporary nuclear repository at Yucca Mountain in Nevada have had strong support in both chambers, but nothing has happened. House Resolution 1020 needs to be enacted promptly.

It will rectify two financial problems. It will give residential and business customers of power generated by nuclear power plants something for their money. Oregonians and others have paid nearly $12 billion into a fund to build a repository for nuclear waste. The money has done nothing but help the government make the budget deficit look a little smaller.

And it will save utilities from having to build temporary storage facilities at their nuclear power plants to hold spent fuel rods that by now should have found a permanent national repository. At the now-closed Trojan plant, the rods are kept in pools of water. But dry storage will have to be built—at ratepayers' expense—if the Yucca Mountain site is not approved. Other nuclear power plants are running out of storage space. They either will shut down or, more likely, build expensive temporary storage.

The measure also will move the nation toward a permanent repository in Yucca Mountain. The temporary site will hold nuclear wastes until the final scientific studies of Yucca are completed.

Although the measures have strong support, controversy remains. Some in Nevada and elsewhere are not convinced the Yucca Mountain site is safe for centuries-long storage of radioactive wastes. Reputable scientific studies discount the risk.

Other people worry about transporting nuclear fuel rods to Nevada from throughout the country. This, too, is a needless worry. The casks that would hold the wastes were engineered—and tested—to withstand a head-on train crash and the hottest fires.

This country must take the decisive step and finally provide—after 13 years of political indecision—a safe place for its nuclear wastes.

[From the Washington Post, Jan. 12, 1996]

THE ONE BEST PLACE FOR NUCLEAR WASTE

(By Luther Carter)

Despite continuing controversy and handwringing analysis, the nuclear waste problem has for early two decades grown as a political issue while seeming every more confused and opaque. Curt Suplee's recent article in The Post [Dec. 31] ably described the quagmire in which the waste issue is stuck.

But political consensus won't come on this issue until we begin looking at the waste problem as actually one of the more manageable aspects of a far larger question. With the Cold War and nuclear arms race of a bipolar world now behind us, we can address what to do about the entire atomic legacy we began creating more than a half-century ago.

This awesome issue raises two questions: What to do about nuclear weapons, and what to do about nuclear power?

It's time now for a national and global debate about the weapons and the elaborate industrial complexes established to produce them. The nuclear forces and production establishments of the nuclear weapons states were created through great human ingenuity and national sacrifice. So whether over the next generation we might summon the will and ingenuity to abolish all (or nearly all—these weapons and complexes is not a possibility to be ignored and decided by inaction or default.

It's time, too, for a debate about whether we wish to rid ourselves of civil nuclear power or, if we think it might be needed, to give this politically besieged enterprise a fair chance to rise or fall on its merits.

But however these larger questions ultimately might be decided, there will be no escaping the need for a solution to the nuclear waste problem, and this almost inescapably means establishing a national storage center at the Nevada Test Site (NTS).

Coming to this conclusion does not require sophisticated research and analysis. The country needs such a storage center for four surprisingly diverse reasons:

Relief for the electric utilities. The center would relieve the utilities' growing fear that the federal government will be unable to honor its obligation, effective three years hence, to begin accepting the spent fuel now accumulating at more than 100 power reactors in 34 states. This grievance is particularly rancorous in light of the billions in federal nuclear waste funds already collected by utility companies from their rate-payers.

Reactor decommissioning. The center would support the safe decommissioning of nuclear reactors that utilities shut down either for financial or safety reasons or in response to public mandate. Without such a national center, spent fuel must remain indefinitely in storage pools and dry vaults at reactor sites.

Cleaning up the nuclear weapons production complex. The center would offer a timely and needed place to send high-level waste and spent naval reactor fuel from Savannah River and the Idaho National Engineering Laboratory, and ultimately the high-level waste from the Hanford reservation in Washington state.

Strengthening the nuclear nonproliferation regime. The center, if placed under International Atomic Energy Agency inspection, could become a model of close accountability for large amounts of weapons-usable plutonium.

Most of this plutonium would come to the NTS in commercial spent fuel from routine reactor operations. But some of it would be plutonium recovered from weapons production sites and dismantled warheads, and (for security reasons) made highly radioactive either by mixing with high-level waste or burning in specially designated reactors. Secure but retrievable storage of plutonium could continue indefinitely at the center, given the chance that this fissionable material might eventually be recovered for its energy value.

There simply is no place other than the Nevada Test site to store all these various radioactive and proliferation-sensitive nuclear materials. The NTS is uniquely fitted for this role by its remoteness, its tradition of tight security from four decades of nuclear weapons testing, and its very real (though much disputed) potential for safe storage and disposal—a potential based on the exceptionally dry climate, great depth to the water table and location inside a closed desert basin that drains to Death Valley. The ongoing investigation of Yucca Mountain for a geologic repository shows promise but is now hampered by severe budget cuts.

The state of Nevada is, for its part, opposed to any national waste repository or storage center coming to the NTS. But that state alone could not prevent broad acceptance of a national waste policy that rests on long-term interim and possibly permanent storage at the test site.

Nevada's main hope at the moment may lie with the Clinton White House, where the president's senior advisers have favored a veto of any legislation calling for interim storage of spent fuel at a specific site. They would have the site determined by ''scientific analyses.'' But the reality is that while technically, just about any site is acceptable for interim surface storage, politically the affected state, whatever it is, will be opposed.

Antinuclear activists and many environmental groups back Nevada's contention that spent fuel can safely remain on site at the reactors for up to a century. But this view obscures larger environmental concerns and the need now, without more years of delay, to start facing up to the dangerous legacy from a half-century of use and misuse of the atom.

[From the Herald-Palladium, Nov. 28, 1995]

GETTING CLOSER TO NUKE WASTE SOLUTION

The lethal nuclear waste sitting in Southwest Michigan and dozens of other sites across the United States may be headed to a new—and safer—home.

A bill sponsored by U.S. Rep. Fred Upton, R–St. Joseph, would open up a temporary storage site in the Nevada desert and would push the opening of a permanent site deep beneath the desert surface.

We're glad to see that his bill, approved earlier this year by committee, is headed for a House vote. We urge its passage. A similar bill is expected to come up for a Senate vote next year.

The question of what to do with high-level nuclear waste has been looming ever since the first nuclear power plant opened in this country three decades ago. From the beginning, the federal government committed itself to the eventual disposal of the waste. It recognized the danger in having high-level nuclear waste disposal sites scattered in various places across the country near populated areas.

In 1982, Congress tried to light a fire under the feet of the Department of Energy by passing a bill requiring the government to have a waste site ready by 1998. There's no chance now of meeting that deadline. The earliest a waste site will be ready is 2010, and even that won't happen at the current pace of development.

That's why Upton's bill is so important. It not only pushes DOE into selecting a waste site—probably at Yucca Mountain, Nevada—but also allows the government to store the waste temporarily above ground in an unpopulated desert location.

The chief opponents of Upton's bill—besides Nevada residents who don't want the waste site in their back yard, even though the remote desert isn't really anybody's yard—are people who are opposed to nuclear power in general. They know that settling the waste issue will open the door for the construction of more nuclear power plants and allow those that are running out of storage room to keep operating.

But closing down the nation's nuclear power plants not only would have a devastating effect on the energy production—and therefore, the economy—but would do nothing to solve the problem of nuclear waste disposal.

Upton's bill moves the process forward, and we hope Congress approves it.

[From the Denver Post, May 1, 1996]

POLITICS, NOT SCIENCE, DELAYS YUCCA MOUNTAIN

(By Linda Seebach)

The question of what to do with America's spent nuclear fuel and other detritus from the atomic era is more political than scientific. Progress toward the permanent storage facility proposed for Yucca Mountain, Nev., is slowed by endless debate about all the things that could possibly go wrong centuries from now.

I was inside Yucca Mountain last week. The Valley Study Group, an organization of people in and around Livermore, Calif., who are interested in the activities of Lawrence Livermore and Sandia national laboratories, organized a tour to the site, which is on the western edge of the Nevada Test Site about 80 miles northwest of Las Vegas.

As part of the years-long process to determine whether the site is suitable for keeping nuclear waste isolated from the environment for millennia, the project is boring a 5-mile tunnel in a loop inside the mountain. They're about 3 miles along now, and our group put on hard hats and safety belts and hiked along in for a few hundred meters to see how the tunnel is constructed and where the scientific studies are done. Project scientists sample the rock, air and water because the crucial fact that determines how long the storage is safe is whether water percolating through the rock will eventually corrode the canisters containing the wastes, and then (even more eventually) carry radionuclides through the rock to ground water.

Yucca Mountain was chosen as a potential site because there isn't much water anywhere near it, and in particular because the groundwater level is hundreds of meters below where the waste canisters would be placed.

Seeing the site and the tunnel doesn't imply anything about the quality of the science, but I already knew about that, having been reading about this project for years. Being there did impress me simultaneously with the huge sale of the project in human terms, and its insignificance in the vast and desolate landscape around Yucca Mountain.

Even the desert tortoise, a threatened species that is treated with respectful deference by tortoise-trained personnel, is at much greater risk from ravens who think soft-shell tortoise is a treat than from anything humans are doing around the project site.

The safety expectations for Yucca Mountain, or any other potential site if that one turns out to be unsatisfactory, are unreasonable, not so much because they can't be met but because they are more stringent than those applied to the alternatives. At present, spent fuel is stored in cooling ponds near the plants that used it. There's no evidence it's unsafe there now, but for the next 10,000 years? That's longer than humanity's written history.

Non-nuclear alternatives aren't clearly better. Extracting and burning coal and oil is not environmentally benign, though the effects can be mitigated, but we can't plan on doing it for millennia. There's not that much to burn.

Freezing in the dark is not healthy for children and other living things, either.

It's true that radioactive material takes a long time to decay, but the consequences of deforesting a continent are pretty permanent, too. It makes sense to store spent nuclear fuel in the safest place available, rather than leaving it where it is, but trying to plan for thousands of years in the future is wasted energy.

A civilization that maintains our current modest level of technology should have no more difficulty coping with the consequences of using nuclear energy than it does with any other kind. And without that much technology, the human species will have far more serious things to worry about than what its forebears buried deep under a mountain in Nevada.

Mr. MURKOWSKI. I thank the Chair. I thank you for the time allotted to me and wish you a good day.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 12 minutes as in morning business.

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

THE VOID IN MORAL LEADERSHIP—PART VII

Mr. GRASSLEY. Mr. President, the weekend before last, I had the privilege of responding to the President's Saturday radio address.

Some of my colleagues may not have heard my remarks. For their benefit, I would like to paraphrase and expand upon what I said.

A few of my colleagues or their family members have had a brush with violent crime here in our Nation's Capital. Some assaults occurred in the streets nearby the Capitol Grounds, which are patroled by our own Capitol Hill Police Force. This reinforces to us that, if it can happen here, it can happen anywhere.

Imagine, Mr. President, that you are driving home from work after a busy day in the Senate. All of a sudden, young kids pass you by in their cars. A gunfight breaks out just as they pass. A stray bullet comes crashing through your car window. Suddenly, you are slumped over your steering wheel, dead. You were caught in the crossfire of a senseless gun battle.

Although an unpleasant thought, it is not hard for us in this body to relate to the possibility of such a tragedy happening here in Washington—the murder capital of the country. But a similar tragedy happened just over 3 weeks ago in Des Moines, IA, the capital city of middle America.

The victim's name was Phyllis Davis. She was 42.

Phyllis was driving in Des Moines in broad daylight, on her way home from work. She was suddenly the victim of a gunfight between two gangs of kids. A stray bullet lodged in her body and killed her. These punks had no regard for her innocent life, let alone their own.

This tragedy stunned Des Moines. It drove home two points:

First, you cannot hide from crime, nowadays. No one and no place is safe. It could be you next, or someone you love. And second, dangerous criminals are getting younger and younger. Respect for life and property is diminishing earlier in the lives of our citizens.

The obvious question is, Why? Why is it that there is no place to hide from crime? Why is it that perpetrators of violent crimes are getting younger and younger?

Much of the reason, I have observed, is this:

We have created a culture in our society that coddles the criminal. We talk the tough talk, we throw money and resources at the problem, we throw 30,000 cops on the street. After we've done all that, what do we get? Violent criminals are getting younger and younger, and the violence can happen to you or your loved ones anywhere, anytime.

A culture that coddles the criminal, Mr. President. That is what we have got. In plain terms, we have got a bad criminal justice system. It is upside down. It seems that criminals have more rights than victims. We handcuff justice instead of crime. How can this happen in America.

One reason younger people are committing more crimes may be that word's getting out that the system will be easy on them.

Juveniles now account for nearly 20 percent of all violent crime arrests. If the trend continues, that figure will double in 15 years. This is outrageous.

When tragedies occur like what happen to Phyllis Davis, communities pull together to respond. But they get hamstrung. The system undercuts them: Too many bad laws; too many soft-on-crime judges; not enough moral leadership.

That is the problem, Mr. President. That is what causes the culture of coddling criminals. First, liberal judges let dangerous offenders back on the streets; second, the Clinton Justice Department has frustrated efforts to enforce the death penalty. And more often than any previous administration, the Department intervenes in cases on the side of convicted criminals.

Third, our leaders in the White House have abandoned the bully pulpit in the war or drugs. In the absence of moral leadership, drug use among America's youth is up dramatically. In fact, there has been a 52-percent increase in drug use by teenagers since President Clinton took office.

Republicans have waged a long battle against a legal system that coddles criminals. Instead, this Republican Congress has done much to strengthen the criminal justice system on behalf of victims instead. We passed major reforms, clamping down on frivolous prisoner lawsuits. This was in the budget bill signed 2 weeks ago. One result is that prisons will again be more like prisons, and less like Marriott Hotels.

And the antiterrorism bill signed 2 week ago will make it easier to deport criminal aliens. It also provides effective death penalty measures, for a change. This is a provision President Clinton initially opposed and worked against. But he was finally forced to accept it. His lieutenants went kicking and screaming.

Mr. President, this was the gist of my comments in response to the President's Saturday address. Following my remarks, the White House responded in turn. I will now address the White House response to me.

The Associated Press quoted a White House deputy press secretary, Ginny Terzano, as saying the following:

The President has fought long and hard to get a tough crime bill and to place 100,000 more police officers on the streets.

Mr. President, the problem is a culture of coddling criminals. How does this statement by the White House reassure the American people? How does it reassure them that they won't be next to get caught in the crossfire of a senseless gun battle, or some equally senseless, violent act?

For one thing, the Clinton administration worked to soften the crime bill, not make it tough. Remember? It was larded up with social programs to coddle the criminal. Remember midnight basketball? Second, more cops on the street is only part of the solution. What good do more cops do if the system keeps handcuffing the cops instead of the bad guys? You just have more cops with handcuffs on them, That is all.

Meanwhile, yesterday's Washington Post had a story showing that the number of Federal criminal cases in this administration have not gone up. This, despite billings of dollars of increases in funding for the FBI, DEA, and U.S. attorneys.

The article also suggests that the caseload has lacked effective management within the law enforcement community. You can put all the cops you want in the streets. But if criminals are not being prosecuted and kept in jail, how effective is your crimefighting?

What the President should be doing is addressing the real, underlying cause of crime. He needs to attack the culture that coddles criminals. For starters, he could get a solicitor general who intervenes in cases on the side of victims, rather than using technicalities to help out convicted criminals. President Clinton's solicitor did this in United States versus Davis and again in Cheely versus United States, to cite just two examples.

Second, he should pick judges that do not let criminals back on the streets who should not be there;

Third, he should crack the whip with his Justice Department and find out why large budget increases for the FBI, DEA, and U.S. attorneys have not produced more criminal prosecutions.

Fourth, and most important, he should use the bully pulpit of the White House to show moral authority in the war on drugs.

Mr. President, this last point is the most crucial of all. So much of crime—especially violent crime—is a function of drug use and trafficking. Yet, the President has been silent on the drug issue until recently. He has said more about drugs the last 2 months than he did the last 3 years. It is a coincidence, I am sure, that this is an election year.

But when you look behind the rhetoric, and look instead at the record, the President has a lot of explaining to do. Why has the number of high school seniors using drugs frequently increased by 52 percent since this President took office? Why did he cut the drug office staff by 83 percent, and decimate its budget?

I would argue it is because he abandoned the bully pulpit. He declared a time-out in the war on drugs while the bad guys kept on playing. In short, he created a void in moral leadership on this issue.

And now, all the progress we made during the 1980's in fighting drug use are being reversed. It is just mind-boggling.

When it comes to fighting crime, the President seems to be playing in the wrong arena. He is not playing in the same arena that he talks about. People are out there driving in their cars, wondering if they could be next. And the moral leadership on this issue that the People are looking for from their leader in Washington is absent.

In my view, Congress will have to continue playing the lead role in turning our criminal justice system right-side up. We need to protect the victims of crime once again, instead of coddling criminals.

We could build a strong partnership in this effort, if only the President would joint us. Until then, this Congress will continue to battle the system that handcuffs justice rather than crime.

Mr. ROBB. Mr. President, I request that I be allowed to proceed in morning business for up to 10 minutes.

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

GAS TAX REPEAL A MISTAKE

Mr. ROBB. Mr. President, I rise to address the majority leader's announced intention to introduce legislation that would repeal the 4.3-cents-a-gallon tax on gasoline that this body passed as part of the 1993 budget bill. I have a very high personal and professional regard for our majority leader and I am certainly not unmindful of the political season that is upon us. Repealing a tax—any tax—and particularly a tax consumers are reminded of every time they fill up their cars at the pump, is unarguably attractive as a matter of raw politics, but it is terrible as a matter of public policy. Just when we are beginning to make sustained progress on bringing down the deficit, just when we are within reach of actually balancing the budget in 7 years and making a serious and principled commitment to real fiscal responsibility, we blink. We cannot take the political heat. On something this important to our Nation and our children's future, if we take the heat we ought to take President Truman's advice and get out of the kitchen.

We talk about a market economy, but we won't let the market work. The Federal Government has an important role to play in our lives, but it cannot and should not attempt to solve every problem we confront—particularly when to save the average motorist $27 per year we move in precisely the wrong direction on the more important challenges of energy independence, national security, and fiscal responsibility—and send the wrong signals to our allies and others around the world about whether we are serious.

I hope a majority of our colleagues will have the political courage to resist what will undoubtedly be an extremely popular bill. If we do not, that the President will be willing to demonstrate the intestinal fortitude we lack—as he did in proposing the tax in the first place.

In my view, a $30 billion tax repeal shouldn't even be considered in the absence of meaningful action on our long-term budget problems. The 1993 deficit reduction package, which contained this modest gas tax, and had no support on the other side of the aisle, has made a substantial dent in our annual deficits, making balance in 7 years possible. In the absence of that deficit reduction effort, we probably would not be discussing seriously the idea of actually reaching balance in such a relatively short period.

Even with that 1993 effort, however, trying to reach balance has been a monumental task. A number of us in the bipartisan group of Senators referred to as the Centrist Coalition have been working for months to find a balanced budget compromise, and a repeal of the 4.3-cents-a-gallon tax will only complicate our efforts to balance the Federal budget by sometime early in the next century.

Not only would the repeal move us in the wrong direction as far as balancing the budget is concerned, it would not solve the problem of higher gasoline prices. If the energy companies are culpable, I have no desire to take them off the hook, but prices have been rising because the demand for fuel has been rising while production has fallen short of this need. Quite simply, the evidence suggests that demand is rising as Americans are driving further, at higher speeds, in less fuel efficient vehicles. Supplies have been curtailed because of a longer winter that kept refiners producing heating oil longer than expected and delayed their shift to gasoline, and fuel inventories were also allowed to remain low because of an anticipated release of oil from Iraq that has not come to pass.

Mr. President, the fact of the matter is that the recent price increases are not due to a 4.3-cents-a-gallon tax increase that was put into law 3 years ago. That 4.3-cents-a-gallon is no more responsible for the recent increase in gas prices than it was responsible for the low gasoline prices we have enjoyed for the previous 2 years when the measure was also in effect.

If we take the oil companies at their word that recent gas prices are the result of demand outstripping supply, then the last thing that we should be considering is a repeal of the 4.3-cents-a-gallon tax, further pushing up demand. For those of us who believe that a higher gasoline tax is a necessary element of sound public policy because it encourages conservation and reduces our dependence on foreign oil, a repeal of this tax would be totally inappropriate.

Mr. President, I was one of several colleagues recently recognized by the Concord Coalition as being willing to make the tough choices, and I intend to continue making them, despite the political downside. I fully understand that rejecting politically popular tax cuts in an election year represents a tough choice for legislators, even if this tax repeal would involve less than $30 a year for the average motorist. But if there is a good public policy reason for the tax in the first place and a repeal will not be likely to dramatically affect the perceived problem, it should not be that tough a choice. For these reasons, I would encourage my colleagues to join me in opposing the proposed repeal of the 4.3-cents-a-gallon tax on gasoline.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Democratic leader, Mr. DASCHLE, or his designee, is recognized to speak for up to 90 minutes, and the Senator from Georgia, Mr. COVERDELL, or his designee, is recognized to speak for up to 90 minutes.

The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, my understanding is that my designated time began, or should have begun at 1:30. I am going to ask unanimous consent that my designated time begin at 1:42 in order to accommodate my colleague who wishes to make a brief statement.

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

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for the courtesy. I did want to make a brief statement. I do not think I will take a full 8 minutes.

REVENUE LOST FROM REPEAL OF GAS TAX

Mr. BINGAMAN. Mr. President, there was an item in the morning paper that caused me to come to the Senate floor to speak briefly and alert my colleagues to a serious concern which I have. The article was entitled ''Armey: Cheap Fuel Via Education Cuts.'' ''House Leader Suggests Way To Offset Cost of Gasoline Tax Repeal.''

The first three short paragraphs say:

House Majority Leader Richard K. Armey, Republican from Texas, yesterday suggested that the revenue lost from a repeal of the 1993 gasoline tax could be offset by cutting spending on education. ''Maybe we ought to take another look at the amount of money we are spending on education,'' Armey said on the NBC's ''Meet the Press:'' ''There is a place where we are getting a declining value for an increased dollar. It's in education. If in fact we can get some discipline in the use of our education dollar, I think we can make up the difference,'' Armey said.

Mr. President, my reaction to this article when I read it was, ''Here they go again.''

We spent much of last year in this Congress trying to hold off proposed cuts in the education budget. The budget resolution as first presented here called for $18.6 billion being cut from student aid over a 7-year period, and $26 billion being cut from K through 12 levels of education over that 7-year period.

There was a proposal to zero out funding for direct student loans, and proposals to zero out funding for School to Work, for Goals 2000, and for national service.

Mr. President, those fights are now behind us. But unfortunately, even today, we see that to some extent the efforts to cut back on education have succeeded. In the final appropriations bill that was signed into law 10 days ago by the President, there are still cuts in education.

There is a 6-percent cut in the Goals 2000 funding. There is a 9-percent cut in telecommunications for math funding. There is an 8-percent cut in library construction funding. There is a 15-percent cut in the funds for magnet schools, a 27-percent cut in technical assistance center funding, a 7-percent cut in adult education budgets. In Perkins loans there is a 41-percent cut, and in State student incentive grants there is a 50-percent cut.

Mr. President, my own view is that this is a very, very mistaken set of priorities that this Congress and that the majority leader in the House, RICHARD ARMEY, are talking about when the first place they look to try to make up revenue is to further cut education.

I think in the long term our country is only as strong as the next generation, and we are only as smart as the next generation. If we cut out the funds needed to educate that next generation, I am persuaded that we are going against the will of the American people, we are going against our own best interests, and we are showing very serious shortsightedness, which I think we will come to regret.

Mr. President, I contrast this article, which, as I say, was in this morning's paper here in Washington, with an article that came out a little over a week ago, on April 27, also in the Washington Post. It was entitled, ''Latinos Want D.C. School To Stay Open.''

Let me just read a little bit of that article for my colleagues. It said:

About 400 people picketed the District of Columbia Board of Education offices yesterday, protesting a recommendation by School Superintendent Franklin L. Smith to close the Carlos Rosario Adult Education Center.

The demonstrators circled the block in front of the Presidential building . . . chanting ''We want to learn English!'' Some held bullhorns, others carried signs asking drivers to honk in support of the program.

''We see it as an issue of discrimination against Latin immigrants,'' said Arnoldo Ramos, Director of the Council of Latino Agencies. ''This is the only adult education center serving Latinos. By closing this program, they are sending a message that Latinos don't matter and that we should continue serving tables, continue picking up garbage and having the lowest positions in society.''

Several students said that without Rosario, it would be difficult to continue to learn English, which they say is their only ticket to a better life.

Mr. President, this article should bring home to us the importance that education has for the average people of this country. Education is not only their only ticket to a better life; it is the ticket that our children have to a better life as well.

Mr. President, I urge my colleagues to reject the recommendation of the House majority leader in looking first at education as a place to further cut the Federal budget.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

TAX FREEDOM DAY

Mr. COVERDELL. Mr. President, I was glad I had an opportunity to be here for at least the last portion of the presentation by my good colleague and friend from Virginia where he was admonishing us to be courageous and to avoid the proposal to repeal the gas tax.

It is my intention to support the repeal of the gas tax, and, frankly, I believe America is looking for a very different kind of courage today.

I do not think they are looking for courage to keep adding another burden, another tax burden, another regulatory burden on the backs of the working families.

Most Americans—in fact, in survey data every social strata of our country—feel that the appropriate tax burden should be 25 percent. It does not matter whether you ask the very wealthy family or the poorest family. It is fascinating; they all come to the same number, that the burden of government, their willingness to contribute, is about 25 percent.

Tomorrow is May 7. It is an important day in America, because May 7, believe it or not—I would never have believed I would be in the Senate talking about this kind of crisis, but May 7 is the first day for which an American family can earn money and resources for its own dreams. Every other day from January 1 through March 15, April, you name it, all of those wages that were earned on all of those working days are taken from the family. They are taken by the Federal Government at about 25 percent, some much higher, they are taken by the State and local government 10 to 12 percent, and I might add May 7 does not include the regulatory costs to every American family, which is now about $6,800 a year.

I think of that fellow who gets up, his wife who gets up, and they get the kids; they take them to school; they get to their two jobs, which are necessary now primarily because of the new tax burden on the American family; they go day after day like that working through the struggles of life, and until May 7 not a dime is available to house that family, to buy the home, to transport the family, to feed the family, to educate the family —all the things we ask the American family to do for America: Raise the country. Raise the country. But until May 7, they do not have a dime for their own dreams. They are sending all of those wages between January 1 and May 7 to some policy wonk somewhere with the task of rededicating where that money ought to go and what its priorities ought to be.

We just heard a presentation by my colleague on the other side of the aisle that it would be the opposite of courageous if we were to repeal this tax. We have a long way to go to get tax freedom day back from May 7 to where it appropriately ought to be. Every opportunity we have to lower that burden, in my judgment, is appropriate. That gas tax costs the average family of four about $100—$100 a year.

More importantly, the lowest 20 percent of taxpayers pay over 7 percent of their income on gasoline. If we are concerned about those who are disadvantaged, we ought to be concerned about lowering the burden on them, letting them keep those resources to do the things they need to do. The wealthy only pay 1.6 percent of their income on gasoline. This repeal of that gas tax

primarily helps the more disadvantaged in our society. It has some auxiliary effect on those who have more resources. But we have such a long way to go, Mr. President, to get this economic burden down. It is already double what it ought to be when you add in the reg reforms.

A family should not be working until May 7 or June or July —officially it is May 7—for the Government. So I take exception to the suggestion that you lack some courage if you come to the floor and fight for lowering the economic pressure on American families, American communities, and American businesses. That is exactly what America is asking us to do, to have the courage to shrink up this Federal Government.

With that, Mr. President, I should like to yield up to 10 minutes to my colleague from Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington for up to 10 minutes.

Mr. GORTON. Mr. President, as my distinguished friend from Georgia has said, tomorrow, May 7, 1996, is tax freedom day.

What is tax freedom day? Stated simply, it is the day on which the average American taxpayer stops working for the Government and begins working for himself or herself. It is a dramatic way of pointing out that if we divide the share of the income of each one of us as an average American into parts, the share that goes to Government will take us from January 1 to May 7 to earn and to pay to those governments and that only after May 7 are we working for ourselves.

Again, this is an average. For some, tax freedom day comes a little earlier; for others it comes a little later. I regret to say for the citizens of Washington State whom I represent, it comes a little later. It comes on May 10. Why? Because, of course, we are talking about the burden imposed on the people of this country by all levels of our Government, here in Washington, DC, and our State and local governments as well.

Mr. President, does it not boggle the mind to think that governments take this much of what we earn by our hard work for its own purposes?

It is vitally important that people learn we are already well through the spring of 1996 before we have earned that portion of our income which goes to our governments.

As my distinguished friend from Georgia also said, if we add the very real burdens caused by higher interest rates, which are themselves the result in part of our huge national debt and all the interest we must pay on that national debt, and the cost of regulation, we go into early July before we have discharged the real burden imposed on us by Government and begin to work for ourselves.

This is a burden that is too great, even if we ignore interest and regulation. The average citizen of the United States does not believe he or she is getting his or her money's worth out of the money earned until May 7 and turned over to Government.

That citizen is correct. Our citizens are not getting their money's worth from this investment in Government, and the great struggle here in the Congress of the United States and with this administration is over whether or not those burdens, both from the perspective of taxes and regulation, should be increased or decreased. This administration, for all of its rhetoric about smaller Government, is a liberal administration which believes that its judgments as to how we should spend our money are better than our own; that Government bureaucrats can set priorities for spending better than can individual citizens of the United States. And I am convinced that that thought is perhaps the single most important reason that people resent Government and do not trust those whom they elect to govern them. People do not believe that Washington, DC, bureaucrats are smarter than they are and know more than they do about how their money ought to be spent. And the people are right. The people are right. They do not.

There are, of course, many appropriate functions of Government. There are a few functions, especially the closer Government gets to the people, the more it is localized, that in fact are run effectively. But the people do not believe that Washington, DC, is run efficiently and effectively, and the people are right.

So, as we did last year, in spite of the frustrations of vetoes from the President of the United States—we on this side of the aisle and thinking Members on the other side of the aisle this year will attempt to lower that burden of taxation on the American people. Whether through a lowered gas tax or a family income tax credit or better treatment of investments which create new jobs, we will attempt to lower that burden. We will act on the philosophy that, by and large, people as individuals know better how their money should be spent than do the bureaucrats here in Washington, DC.

If we are able to come back to this floor next year, even to say that tax freedom day is on the 3d of May rather than the 7th of May, or the 4th of May rather than the 7th of May, we will have done what the American people want. We will have acted correctly. We will, not at all incidentally, have overcome the objections of the President of the United States, and we will at least be on the road toward an appropriate balance between the impact of government on our pocketbooks and on our day-to-day lives, in exactly the fashion that we were meant to be when the people of the United States elected us to these offices.

May 7 is tax freedom day. May 7 is far too late a date in the year for that notable event to take place.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I compliment my colleague from Washington for his remarks. I particularly agree with his context that it had been the theory of this administration—and we saw this all too clearly when they tried to federalize or create Government-run medicine—that they believe that they know better how to manage the relationship between an employer and employee; they know better how to set the priorities for the local mayor or county commissioner. Now it has gotten to the point that they know better how to manage the financial resources of the American family. It is a very elitist point of view, in my judgment. This country was founded on the belief in the individual and the entrepreneurial spirit that comes from a free individual. That is what made this country.

Look at countries around the world that have had central or statist governments, like we have been working our way to here, and it is never a pretty picture. I was Director of the U.S. Peace Corps for a considerable period of time, during the Bush administration, and was one of the first Americans over the wall. It was not a pretty picture. It was a classic example of what central and statist governments do for people.

I remember one night in particular I was in Sophia, Bulgaria. The Ambassador asked if we wanted to go to a local opera, and I passed and decided to walk through the city. They had been operating under this central government for, I guess, nearly half a century. It is such a vivid memory. First of all, when I went through the department store I saw they had a shelf and it would have one glass on it, on the entire shelf. And then I would move to the next display and it would have one item on the entire shelf. They had no goods.

I walked probably 5 miles, and this is the key, I never saw a single adult smile—not one. There was not a smile on the face of a single person. They had a flea market, or a food market, and they had three vegetables; and they had a line that was 4 blocks long so you could line up and get the same piece of meat when you got to the window.

A planned government planned for everything. They planned for all their businesses, all their communities, and they had gotten to the point where they literally ran everybody's family. It was not a pretty picture.

The American people are the most entrepreneurial, flexible, energetic of any in the world. But we have lost some of our edge, because we have been piling up one burden after another, to the point that we are now asking these families that work from January 1 to May 7—it is actually July 3, if you add in the regulatory costs they have to pay. Again, I thank the Senator from Washington. It is actually July 3, but we take deep note of May 7 because that is the actual day that you start earning resources for your own family

and not the government, which takes me back to the snapshot of a Georgia family.

I was curious, in all this debate we have, with regard to the economic pressures on an average family, just what was the situation in my own State. I have alluded to this several times. It is certainly appropriate to talk about that family here today, when we are talking about tax freedom day being May 7. That Georgia family earns about $45,000—$45,093. Both parents work and they have a couple of children. Their total Federal tax on that income, direct and indirect, is $9,511. The total State and local taxes are $5,234, or $14,745 right off the top of the $45,000 they are paying out in taxes.

The estimated cost of Federal regulation on that family is $6,615; over $500 a month. That is more than a car payment or a student loan. You are paying for your share of the growing regulatory apparatus.

This family in Georgia is paying excess family interest payments, which are caused by excessive Federal borrowing. We have just lifted the Federal debt ceiling to $5.5 trillion, so that pushes interest rates up on everyone—the interest on their home, the interest on their car, the student loan: $2,011.

So the net effect is, of the $45,000, $23,371 has been removed from that family, taken by government or government action, leaving them about 50 percent of the gross income to do all the things, as I said, we ask them to do. It is no wonder that American families all across our land, therefore, are saying this government spending and government debt and government management has gotten out of hand. Indeed, it has.

I am going to yield to my colleague from Oklahoma in 1 second. I would just say what is particularly important about this is this administration has added about $200 to $225 a month in additional economic burden on this Georgia family, and families all across the country, which is why I find it very difficult to understand the presentation that says you are courageous if you reinforce this burden on the American family, as my colleague from Virginia said a moment ago.

With that, Mr. President, I yield up to 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my friend from Georgia for his leadership on this and many other issues.

Today, we are announcing to the American people that tomorrow, May 7, is tax freedom day. That means that the average American worker had to work from January 1 through May 7 for government—for the Federal Government, State government, and local government. May 7 is the latest tax freedom day ever.

For the average American worker, 34.8 percent of their income goes to government. I do not make this point to say that all government is evil. Not all government is evil, but if workers are working for government, they are not working for themselves. As government power grows and increases, that means their freedom is diminished. If you have individuals working a third of the time for government, then they are not working for their families, and they are not able to take care of their families.

It is a very important and, in my opinion, kind of a sad fact that as government power continues to increase, people's freedom continues to decrease. We need to reverse that.

Unfortunately, this President has made it worse. This President has made tax freedom day later and later in the year because he vetoed a tax reduction effort that Congress passed. But even more important than that, he signed the largest tax increase in history. In 1993, President Clinton signed a tax bill that increased taxes and user fees $265 billion over 5 years, the largest tax increase in history.

Keep in mind, President Clinton as a candidate said he was going to cut taxes. I remember when he was campaigning in New Hampshire. He said something like, ''Yes, we're going to have a tax reduction for families; we're going to have a per-child tax credit.'' He did not deliver.

He never said anything on the campaign trail in 1992 about increasing gasoline taxes, but that is exactly what he did. As a matter of fact, during his first year in office, not only did he pass the largest tax increase in history, but passed a tax increase that hit all American families. At the time they were playing class warfare and saying this was just going to hit the rich—and it did, they hit the rich pretty hard, but they also raised taxes on all Americans.

But also there is a gasoline tax. A gasoline tax is not just for the wealthy; that is for anybody who drives a car. I have four kids, all of whom are driving and paying that 4.3 cents a gallon. It is not inexpensive. It makes a difference.

My point being, President Clinton's tax increase hit all American families. He increased taxes on couples who receive Social Security. Their Social Security used to be taxed at 50 percent. He increased it to 85 percent, a big hit for individuals who had incomes above $34,000. A big tax increase.

I remember listening to my father-in-law, who was adversely affected by this. It cost him well over $1,000 a year. Thank you very much, President Clinton. He did not ask for that with his vote, and he was not told during the campaign that he was going to have a big tax increase, and certainly he was middle-income America.

My point being, President Clinton, instead of reducing the tax burden on American families, has increased the tax burden. Now today total tax receipts will hit a record 19.4 percent of the gross domestic product, the highest level of taxation since 1982. Ronald Reagan brought it down. His tax cuts did not go into effect really until 1983. So now we have taxes going up because of President Clinton, because of his tax increase.

A lot of us believe President Clinton was right in Houston when he said, ''You know, I think I raised taxes too much,'' or ''You might be surprised to find I agree with you, I think I raised taxes too much.'' A lot of us agreed with him, and so we wanted to help correct that.

Last year, we did pass a balanced budget package that not only balanced the budget but offered modest tax relief for American families. We delivered on our promise. We said, ''We're going to give tax relief to children. We're going to give a $500 tax credit for families with children under the age of 18.''

President Clinton said he was going to do the same thing in 1992, but he did not deliver. In his proposal before Congress, he said, ''I have a children's tax credit too,'' but what he does not tell people is the children only get the tax credit if they are up to age 12, not if they are 13, 14, 15, 16. I hate to tell the President this, but they cost a lot of money at those ages, too. As a matter of fact, it is at those ages that you may start getting ready for college.

The Republican budget allowed individuals, if they have kids, to save $500 per child, and the families get to keep it. So the families get to make decisions on education. If the families want to, they can take the $500 and put it into a savings account to save for that child's education. President Clinton vetoed it.

President Clinton vetoed a tax bill that would have helped the economy. We would have reduced the tax on capital gains, because we know that not only will that raise more money for the Federal Government, but it will help stimulate the economy. The capital gains tax is really a tax on a capital transaction. If it is reduced—and the United States has one of the highest taxes on capital gains of any of the industrialized countries—if we reduce it, we are going to have more transactions, more capital moving throughout the economy, more capital going where it can be used most efficiently, most effectively and it will help stimulate the economy.

President Kennedy did that in the early sixties, and it helped. It raised more money. President Kennedy was right when he said a rising tide will lift all boats, and the Republican majority wanted to do that. But President Clinton vetoed it, and he was wrong in vetoing it.

Congress passed a reduction in the inheritance tax for farmers and family business owners, and others, so they could keep more of their hard-earned money, so they would not have to sell their estate to pay an inheritance tax, a very positive provision, supported overwhelmingly by this Congress.

President Clinton vetoed it, and he was wrong in doing so.

Congress passed enhanced IRA's, individual retirement accounts, so we could encourage people to save. We would use the Tax Code to help people start saving for their retirement: ''Don't depend solely on Social Security; don't depend solely on a company retirement account; save for your retirement.'' We enhanced that.

We doubled, basically, the income at which people would be eligible to receive a tax deduction for their IRA contribution. This was really a family benefit, and it was really a family benefit for middle-income workers. The benefit right now applies to people with incomes of about some $20,000. We doubled that amount. It would not help the very wealthy, but it certainly would have helped the hard-working wage earner who wanted to start saving more, and we do not save near enough in this country.

Congress passed medical savings accounts, because we recognized that a lot of people do not get benefits from the Tax Code to encourage health care, and medical savings accounts would have allowed individuals the opportunity to put in some before-tax dollars to help pay for health care costs.

If you work for a big corporation, you do not need it because maybe the big corporation pays for all your health care and the individual gets it tax free.

Congress helped the self-employed. We increased the self-employed deduction from 30 to 50 percent. Recently, we just passed legislation to increase that to 80 percent.

But under our bill, we had medical savings accounts that also would have helped the individual who does not work. They need some help too. This would have helped them pay for their health care. It was good policy. Unfortunately, the President vetoed it.

Congress passed a provision that would have phased out and eliminated the so-called marriage penalty, where right now it is financially to a couple's detriment, if you have two wage earners, to file a joint return, to file as a married couple. It makes no sense. It is wrong. It is inequitable. The Tax Code should not be encouraging divorce or separate filings. Congress phased the penalty out. Unfortunately, the President vetoed it.

Congress passed spousal IRA's, recognizing that spouses work, whether it is at a job or at home—we know that they are working. So we had spousal IRA's so the spouse could also accumulate some money and savings in their own name, a very positive provision that would have helped a lot of people all across the country. Unfortunately, President Clinton vetoed it. Well, he was wrong in vetoing that.

Mr. President, taxes are too high. Government does spend too much money. People should not have to work 34.8 percent of their time for government. So we do need tax relief. We need to balance the budget.

Some people say, those are in contrary positions to each other. I do not think so. Certainly not. If you take a position that we have to balance the budget before we have any tax cuts you will never pass any tax cuts because people in this Congress will keep spending more money. There is no limit to the appetite of some people in Congress and this administration for spending money. You are a lot more popular spending money than you are taking it away.

So I do not agree with that philosophy—and I am probably as frugal or as fiscally conservative as anybody—but I think we should give tax relief and balance the budget and do it simultaneously. Let us balance the budget. Let us limit the revenue of the Government. Let us pass a constitutional amendment that says you cannot spend any more than you take in. That makes sense. That is what most Americans do.

The House passed a balanced budget constitutional amendment last year. The Senate came one vote short. I hope that soon, maybe this week, we will again be considering a constitutional amendment to balance the budget. I hope some of my colleagues who voted against that balanced budget amendment will reconsider. Some of our colleagues on the Democrat side of the aisle said, ''Well, I'm not going to vote for the balanced budget amendment until I see a real balanced budget plan.'' I think we ought to do it anyway. We did it anyway in Congress, but unfortunately the President vetoed it. I hope now they realize it can be done.

I have heard President Clinton now say that he supports a balanced budget. I hope that my colleagues on the Democrat side, most all of whom voted against a balanced budget amendment, will reconsider. I want to compliment Senator SIMON, and others, who are working to try and make that happen. It has to be a bipartisan vote to make it happen. We have to have 67 votes. I hope my colleagues realize the gravity of the situation. We cannot continue to pile up debt after debt.

We passed entitlement reform last year, but the President vetoed it. I think he was wrong in doing so. I am afraid it is going to take a constitutional mandate to tell us we cannot spend any more than we take in and that we have sound fiscal policies in this country. I think at the same time, we need to be cognizant of the fact that taxpayers are taking it on the chin.

Taxpayers need relief. Taxpayers are kind of bothered by the fact that they have to work over a third of the time, an average American family has to work over a third of the year for Government; not for themselves, not for their family and not for their family's future, but for Uncle Sam and for State government and for local government. We need to reverse that.

Mr. President, I am going to put a couple of tables into the RECORD because I think a lot of times people are not aware of how fast Government spending and taxation is growing. One of them that I am going to allude to maybe surprises people, but it deals with payroll taxes. Payroll taxes have been skyrocketing.

I heard some people say maybe it should be exempt from the constitutional amendment or maybe we should not count Social Security or Medicare because those are trust funds. Mr. President, those programs are funded by payroll taxes. If you work, and you get your W–2, you find Uncle Sam takes out individual income taxes, and he also takes out payroll taxes for Social Security and for Medicare's hospital fund.

Mr. President, I ask for an additional 2 minutes.

Mr. COVERDELL. I yield another 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I urge my colleagues to just look at the growth in these taxes. The payroll taxes alone have just exploded. If I put in the maximum total contribution under payroll taxes, in 1960 that total for Social Security—this includes hospital or Medicare taxes—the maximum tax that anybody put in 1960 was $144. Keep in mind, the system started quite a bit earlier, but the maximum tax was $144.

In 1970, the maximum tax was $374. This is just for the employee. The employer has to match this. In 1980, it really increased substantially and went from $374 in 1970 to $1,588 in 1980. Wow, it went up about four, five times. Between 1980 and 1990 it went from $1,588 to almost $4,000—$3,924. Keep in mind, your employer is matching that. So for an individual—that is maximum; in that case somebody was making $135,000, I think—they were paying almost $4,000 and the employer was paying almost $4,000. That is $8,000, a big increase.

It continues to explode. By the year 2000, for that person still making $135,000 it goes up to $6,496, almost $6,500, with a total cost of $13,000 put in for a person to pay these Social Security taxes. My point being, this is just a payroll tax. But this tables shows, if you look at it on a curve, that Social Security taxes have gone up tremendously. The same thing for Medicare taxes, they just exploded. Yet, the Medicare fund is still going broke. Yet, Social Security still has a real funding problem. In the year 2013 it is estimated to pay out more than it takes in.

So my point is, Mr. President, some people want to ignore payroll taxes. I disagree. Ask any wage earner—ask my son; ask my daughter—who are paying these taxes. These taxes are high and they are getting higher. That means people have to work longer before they can take enough home to take care of their needs and their family and their future.

So, Mr. President, I think we have to be cognizant of the American working

family. I am very critical of President Clinton for vetoing our tax reduction effort and for pushing through the largest tax increase in history. He is responsible for the fact that a lot of people have to work a lot longer for Government instead of themselves. We need to reverse that. I hope that Congress this year, soon, will pass tax reduction for American families. I thank my colleague from Georgia and I yield the floor.

The PRESIDING OFFICER. Did the Senator ask unanimous consent to have material printed in the RECORD?

Mr. NICKLES. Mr. President, I ask unanimous consent to have a couple of charts printed in the RECORD.

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

PAYROLL TAX DATA FOR EMPLOYEES AND EMPLOYERS

	Maximum annual contribution—			
	Total	OASI	DI	HI
1950	30	30	n/a	n/a
1951	54	54	n/a	n/a
1952	54	54	n/a	n/a
1953	54	54	n/a	n/a
1954	72	72	n/a	n/a
1955	84	84	n/a	n/a
1956	84	84	n/a	n/a
1957	95	84	11	n/a
1958	95	84	11	n/a
1959	120	108	12	n/a
1960	144	132	12	n/a
1961	144	132	12	n/a
1962	150	138	12	n/a
1963	174	162	12	n/a
1964	174	162	12	n/a
1965	174	162	12	n/a
1966	277	231	23	23
1967	290	234	23	33
1968	343	259	37	47
1969	374	291	37	47
1970	374	285	43	47
1971	406	316	43	47
1972	468	365	50	54
1973	632	464	59	108
1974	772	578	76	119
1975	825	617	81	127
1976	895	669	88	138
1977	965	722	95	149
1978	1,071	757	137	177

PAYROLL TAX DATA FOR EMPLOYEES AND EMPLOYERS—Continued

	Maximum annual contribution—			
	Total	OASI	DI	HI
1979	1,404	992	172	240
1980	1,588	1,171	145	272
1981	1,975	1,396	193	386
1982	2,171	1,482	267	421
1983	2,392	1,705	223	464
1984	2,646	1,966	189	491
1985	2,792	2,059	198	535
1986	3,003	2,184	210	609
1987	3,132	2,278	219	635
1988	3,380	2,489	239	653
1989	3,605	2,654	254	696
1990	3,924	2,873	308	744
1991	5,123	2,990	320	1,813
1992	5,329	3,108	333	1,888
1993	5,529	3,226	346	1,958
1994 [1]	5,715	3,394	364	1,958
1995 [1]	5,752	3,427	367	1,958
1996 [1]	5,864	3,528	378	1,958
1997 [1]	5,975	3,629	389	1,958
1998 [1]	6,143	3,780	405	1,958
1999 [1]	6,310	3,931	421	1,958
2000 [1]	6,496	4,019	520	1,958

[1] HI wage base cap was eliminated in 1993, but this table assumes it was continued at $135,000.

Source: Social Security Administration.

PAYROLL TAX DATA FOR EMPLOYEES AND EMPLOYERS

	OASDI	HI	Tax rates (percent)—			
	Wage base	Wage base	Total	OASI	DI	HI
1950	3,000	n/a	1.000	1.000	n/a	n/a
1951	3,600	n/a	1.500	1.500	n/a	n/a
1952	3,600	n/a	1.500	1.500	n/a	n/a
1953	3,600	n/a	1.500	1.500	n/a	n/a
1954	3,600	n/a	2.000	2.000	n/a	n/a
1955	4,200	n/a	2.000	2.000	n/a	n/a
1956	4,200	n/a	2.000	2.000	n/a	n/a
1957	4,200	n/a	2.250	2.000	n/a	n/a
1958	4,200	n/a	2.250	2.000	.250	n/a
1959	4,800	n/a	2.500	2.250	.250	n/a
1960	4,800	n/a	3.000	2.750	.250	n/a
1961	4,800	n/a	3.000	2.750	.250	n/a
1962	4,800	n/a	3.125	2.875	.250	n/a
1963	4,800	n/a	3.625	3.375	.250	n/a
1964	4,800	n/a	3.625	3.375	.250	n/a
1965	4,800	n/a	3.625	3.375	.250	n/a
1966	6,600	6,600	4.200	3.500	.350	0.350
1967	6,600	6,600	4.400	3.550	.350	.500
1968	7,800	7,800	4.400	3.325	.475	.600
1969	7,800	7,800	4.800	3,725	.475	.600
1970	7,800	7,800	4.800	3.650	.550	.600
1971	7,800	7,800	5.200	4.050	.550	.600
1972	9,000	9,000	5.200	4.050	.550	.600
1973	10,800	10,800	5.850	4.300	.550	1.000
1974	13,200	13,200	5.850	4.375	.575	.900
1975	14,100	14,100	5.850	4.375	.575	.900
1976	15,300	15,300	5.850	4.375	.575	.900
1977	16,500	16,500	5.850	4.375	.575	.900
1978	17,700	17,700	6.050	4.275	.775	1.000
1979	22,900	22,900	6.130	4.330	.750	1.050
1980	25,900	25,900	6.130	4.520	.560	1.050
1981	29,700	29,700	6.650	4.700	.650	1.300
1982	32,400	32,400	6.700	4.575	.825	1.300
1983	35,700	35,700	6.700	4.775	.625	1.300
1984	37,800	37,800	7.000	5.200	.500	1.300
1985	39,600	39,600	7.050	5.200	.500	1.350
1986	42,000	42,000	7.150	5.200	.500	1.450
1987	43,800	43,800	7.150	5.200	.500	1.450
1988	45,000	45,000	7.510	5.530	.530	1.450
1989	48,000	48,000	7.510	5.530	.530	1.450
1990	51,300	51,300	7.650	5.600	.600	1.450
1991	53,400	125,000	7.650	5.600	.600	1.450
1992	55,500	130,200	7.650	5.600	.600	1.450
1993	57,600	135,000	7.650	5.600	.600	1.450
1994	60,600	no limit	7.650	5.600	.600	1.450
1995	61,200	no limit	7.650	5.600	.600	1.450
1996	63,000	no limit	7.650	5.600	.600	1.450
1997	64,800	no limit	7.650	5.600	.600	1.450
1998	67,500	no limit	7.650	5.600	.600	1.450
1999	70,200	no limit	7.650	5.600	.600	1.450
2000	73,200	no limit	7.650	5.490	.710	1.450

Source: Social Security Administration.

Mr. COVERDELL. Mr. President, I thank my colleague from Oklahoma for his remarks and his expertise on this subject. He made a very, very eloquent statement on the burden of taxation.

At this time I yield up to 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Thank you, Mr. President.

Mr. President, tomorrow is tax freedom day. It is an artificial calculation, but it serves to focus our attention on how much of the time we spend working as a Nation to pay our taxes, because on the 7th of May, finally, if we had paid everything we had earned to the Federal Government, we could begin taking something home.

As I say, that is an artificial calculation. We do it because it focuses our attention on one question. This is the fundamental question when you address the whole issue of taxes. Whom do you trust to spend your money? Do you trust the people in Washington? Do you trust the Federal Government to spend your money more wisely than you can or do you decide in a free society that you want to hang on to more of it to spend for yourself?

Obviously, we have to trust the Federal Government to spend some of our

money. There are some things the Federal Government does that we cannot do for ourselves.

The most obvious example that I can think of is the Interstate Highway System. We could not go out as individuals and contract to build the roads, to make the plans, to lay out the routes. All of those things are appropriate activity of the Federal Government.

When the Interstate Highway System was first proposed back in Dwight Eisenhower's time it was a Member of this body, Senator Harry Byrd of Virginia, who made the decision that we would not pay for the interstate highway system with debt. He said, we will pay as we go, and that was the beginning of Federal gasoline taxes going into the national highway trust fund to pay for the Interstate Highway System. And it worked.

We trusted the Federal Government to spend our money more wisely on highways than if we had spent it ourselves. We gave the Federal Government that money, and the Interstate Highway System was created. I find it interesting, Mr. President, to know that now the tax increase that was pushed through by President Clinton 2½ years ago is a tax on gasoline that does not get spent on our roads or on the interstate highways. President Clinton is spending that money for something else.

I am supporting the repeal of the increase in the gas tax because I think in this area I trust myself more than I trust the Government to spend those extra few cents on gas. If I could be sure the Government was going to spend it on roads, I would not be so anxious to be for repeal of the gas tax. But we have broken away from that concept that was established here in this Chamber by a Member of this body that said the money that gets paid for gasoline taxes, gets spent on roads and highways and bridges.

President Clinton has broken that link and said, ''No. Let's tax gasoline, but let's trust the Federal Government more than we trust the individuals on the issue of how that should be spent.''

Now, we have heard in this debate the whole discussion of tax rates going up. The justification for tax rates going up is that we need more tax revenue in order to pay down the deficit. That sounds fine, Mr. President, but as Members of this body know—I come from a business background and was a businessman until I ran for the Senate, and I discovered very quickly what every businessman knows—raising prices does not mean increased sales. Raising tax rates does not mean increased tax revenue.

We have all seen the example where Ford Motor has brought out a new version of its best-selling automobile, the Ford Taurus. The Ford designers were so enthusiastic about how beautiful the Taurus was that they raised the price on the Taurus. It stayed at that higher level for something like 3 weeks when they discovered that people were not willing to pay the higher price. What did they do to get sales moving? They lowered the price. Lo and behold, when they lowered the price, sales started going up. That is exactly the same principle that applies to the Federal Government. If you lower the tax, we can see revenues begin to go up.

Let me be personal about this, Mr. President. During the 1980's, I was CEO of a company that started out literally in a basement in a suburban town in Utah. It had four employees. Today that company is listed on the New York Stock Exchange and has a market value approaching three quarters of a billion dollars. It has 2,700 employees. We built that business at a time when our effective tax rate was 28 percent. That meant we were able to make our choices as to how the money would be spent in buying inventory, building buildings, hiring new people, instead of having the Federal Government make the choices as to how that money would be spent.

Today if we were to start that business again, the effective rate on the money we would earn would not be 28 percent as it was in the 1980's, it would be 42 percent—a 50-percent increase. I say, Mr. President, we would not have created those 2,700 jobs if we had been facing a 42-percent effective tax rate.

Now, a study has been done on the impact of the tax increase that President Clinton gave us in 1993. President Clinton talks about all the new jobs that have been created since he has been President. According to the study by the Heritage Foundation, that number would be 1.2 million higher than it is if President Clinton had not given us that tax increase. Yes, we have had some increased jobs because we were coming out of a recession. We would have 1.2 million more. From my personal experience, the difference between paying 26 percent and 42 percent can account for that.

What it boils down to is this, Mr. President: Americans all want to earn more, and they want to keep more of what they earn so that they can do more with that money they are allowed to keep. In my own personal experience, I saw that happen. We earned more as our business was successful. We were able to keep more because we had a lower tax rate, and we were able to do more, reflected in those 2,700 jobs that we created.

Every one of the people that holds one of those jobs, Mr. President, pays taxes. Every one of them is adding to the revenue of the Federal Government by virtue of what we did creating that business. The Federal Government was a winner all across the board when they allowed us to earn more and then keep more that we earned so we could go out and do more in creating those additional jobs.

It comes down, again, Mr. President, to the fundamental question that I asked at the beginning. When you address the question of tax freedom day, you are asking this fundamental issue: Whom do you trust to spend your money? Do you trust the bureaucrats? Do you trust the regulators? Do you trust the planners in Washington? Or do you trust individual Americans all over this country, taking their money and making the decisions as to where it will be invested, where it will be channeled, where it will be spent, in a way to build the economy?

I, for one, Mr. President, think that government does many good things. I think I can trust the Federal Government with a good chunk of my money to do things like build roads and bridges, defend the country, and take care of the other challenges that we have as a nation. But when it comes to making the fundamental economic decisions as to what will make this country grow, I trust individual Americans more than I trust the planners in Washington.

For that reason, I am hoping that we can move the date back toward the 1st of January when Americans can say, ''I have stopped working for the government and now I am working for the growth of this country as a whole.''

Mr. COVERDELL. Mr. President, I thank the Senator from Utah for his remarks from a business perspective on these economic issues. I yield up to 10 minutes to my good colleague from Texas.

Mrs. HUTCHISON. Mr. President, I am pleased to be able to talk about the tax burden on American families, especially because tomorrow is a red-letter day. Tomorrow we call national tax freedom day because tomorrow is the day that Americans stop working for the government and start working for their families. They will pay their taxes tomorrow, and all of the work they have done between January 1 and May 7 will be money that goes to the Federal, State, or local government. That is about 40 cents of every dollar earned by the American family. To put it another way, 3 hours of every working day goes to pay Federal, State, and local taxes.

For most American families, making ends meet is getting harder and harder. After paying the basics—food, clothing, shelter, and taxes—there is not much left. With ever-higher costs for education, for health insurance, and for retirement, most people have to work today. Many families would like to have mom or dad at home taking care of children, being home when they get home from school, but they cannot afford it because they have to do the extra things to get the extras beyond the taxes, the food, and the shelter.

President Clinton has not eased the burden on working families. He raised taxes on seniors who depend on Social Security, on the self-employed, and on everyone who drives a car. His tax increases in 1993 and the resulting slower economic growth has cost Americans $227 a month in earnings.

Last year, the Republican Congress tried to do something unusual for families. We tried to let them keep their

own money. We believe that with lower taxes, Americans will earn more and they will most certainly keep the money they worked so hard to earn.

The Republican Congress did the following things. We cut taxes for families with children by providing a $500-per-child tax credit to help parents raise their children and to offset the erosion of personal exemption from inflation. With this tax cut, 28 million families would pay fewer taxes. In my home State of Texas, 2 million families would pay fewer taxes under the bill we passed last year.

We encouraged families in that bill to save for retirement, with my homemaker IRA proposal that I have been working for 2 years to get put forward, and other expanded individual retirement accounts. This Congress believes in the expansion of IRA's because that is people taking responsibility for their own retirement. It is our encouragement for them to do so.

I want the homemakers of this country, Mr. President, to also have the ability for their retirement security because I believe the work done inside the home is every bit as important, and probably more so, than the work done outside the home. We should not penalize the hard-working family that has the ability for the mother to stay home and raise the children or the family, if that is the choice. Many people stretch to make that happen. The current Tax Code prevents married couples who rely on the one income from equitably providing for their retirement security by limiting homemaker deductions to $250.

I think it is an outrage in this country. In fact, here is what the numbers show. If you work outside the home, you can set aside $2,000 a year. If you work inside the home, you set aside $250 a year.

What this means is that under current law, a single-income married couple saving $2,250 a year for 30 years will have $188,000 for their retirement nest egg. With the bill we passed in Congress so that both spouses are able to set aside $2,000 a year, after 30 years they would have a nest egg of $335,000—$335,000, an increase in $150,000 for that working family.

We also helped families by permitting tax-deferred savings in an IRA for education costs, for medical expenses, for first-time home purchases, and allowing penalty-free withdrawals during times of unemployment. That encourages savings, and it also helps people with emergency needs that they may have so that they know, if they do set aside for their retirement security but they need a little bit extra to educate their children, or if they become unemployed, or if they have a bigger medical expense than they can afford, or to buy their first home, they can take from that tax-free income that has built up without the huge penalty that discourages them from providing for their retirement.

That is what we do in the bill that we passed. And we stopped penalizing young couples for getting married. We increased the standard deduction for married couples filing jointly. In other words, by the year 2005, under the bill we passed, the marriage penalty would be eliminated for couples that do not itemize their deductions.

So we encouraged marriage and family rather than discouraging it by saying you are going to pay more if you get married than you would have to pay if you stay single.

We cut capital gains taxes to encourage and reward investment. We wanted to create new businesses that create new jobs because we understand that the small businesses create the jobs in this country. It is not the giant corporations; it is the small businesses. A capital gains tax reduction helps them to be able to buy that piece of equipment or make that capital investment that will create the jobs that will get this economy going again.

We cut estate taxes. We cut estate taxes so that years of hard work would not be wiped out in a generation so that a family that inherits a small family business or a small family farm will not have to sell these unreadily salable assets in order to pay taxes to the Government.

Our tax cuts would reduce the tax burden on the people who actually pay taxes, Mr. President. More than three-quarters of the cuts in the first year in the bill we passed go to the middle class making under $75,000 a year.

Who are those people? They are mothers and fathers who will get help raising their children with a $500 child tax credit.

They are homemakers who will get the opportunity to contribute the maximum amount to an IRA for retirement security so that, if the homemaker loses her spouse, she will be able to have something that is her own, that will help her in her retirement years.

They are married couples who will have the Tax Code's marriage penalty reduced.

They are savers who are trying to buy a first home or pay for college for their kids.

They are small business owners who have spent their lives building a business and want to pass it to their children without the huge taxes that sometimes require the sale of that small business by the heirs because they do not have the cash to pay taxes.

They are investors who provide the capital to start businesses and create jobs.

Our tax cuts helped all Americans. It would put more money in people's pockets, and it would increase jobs. Together with a balanced budget, it would lower interest rates and increase the standard of living for millions of Americans.

So why do I keep talking about what the proposals would have done? I talk about it as if it did not happen because it did not happen. Congress passed everything I have talked about, and President Clinton vetoed it. That is why I am still talking about it.

After running for President in 1992 on a middle-class tax cut, in 1993 President Clinton raised taxes on middle-class Americans while he claimed to only hit the rich. His taxes took what could have been a robust recovery and made it a weak, lackluster recovery.

The economic reports came out last week, and they said the economy is getting better. I cannot remember a time when the economic reports were coming out saying things were better when people do not feel it. If you ask someone what their major concern is, they say job security. That is what they say. I do not care what the numbers are showing. It is what is in somebody's gut. They do not feel secure because they sense more taxes, more regulation, and more encroachment on their freedom and independence. They know things are not the way they used to be.

So why, Mr. President, do people not feel so good when all the numbers say things are getting better? Big government. Big government. Big government is costing jobs for the American people.

A report from the Rochester Institute of Technology estimates the direct cost of complying with Federal regulations to be about $668 billion in 1995.

The bottom line is, Mr. President, tomorrow Americans are going to stop working full time to pay taxes. But we have not even talked about the hidden cost of regulations. They are going to work until July 3 to finish their obligation for all of the cost of government—regulations, as well as taxes.

So, hopefully, on July 3, we can talk about the cost of government. But today we are just talking about the cost of taxes.

I do not think that Americans in general object to taxes. In fact, the Reader's Digest poll taken recently shows that Americans believe they should pay taxes to live in this great country for what this country gives them back in services and freedom. But, Mr. President, they believe about 25 percent for a family of four is the maximum that government should take from them. They believe they should be able to keep 75 percent of what they work every day to earn. In fact, however, they are paying about 40 percent.

We are working every day in Congress to bring that number down. If we could just get the President to work with us instead of just talking about it, we could make a difference for the American family. We could put government in the role that it should have, and we could give the people of this country their buying power back. They work for this country. They work for their families. We want them to keep what they earn.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, I thank my colleague from Texas for her remarks on the economic aspect of taxes on the American family.

I now yield up to 10 minutes to my distinguished colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Texas just gave a very good explanation of what was in the bill that the President vetoed. I think it is a good exercise once in a while to remind ourselves and the public—because the public is cynical about whether or not we ever kept our commitments of the last 15 years to pass a balanced budget—that we passed a bill, a 1,800-page bill. This balanced budget legislation was the product of 8 months of work by 13 different committees in this body to balance the budget; not only balance the budget but to help lower mortgage interest rates down by $2,300 a year, student loan interest rates by $603 a year, and interest rates on a car loan by $150 a year. You can go on and on about the benefits of balancing the budget by reducing the interest rates by 2 percent, according to Greenspan, but Congress also offered all of the things that the Senator from Texas referred to—IRA's for homemakers, expanding IRA's for everybody, a $1,000 tax cut for a family of four, and estate tax reductions, and welfare reform that turns welfare over from the Federal bureaucracy to the States to administer because the States are doing a better job of it than we are in Washington, saving the taxpayers $58 billion, and saving Medicare from bankruptcy in 6 years. Medicare is going to be bankrupt in 6 years. We knew that a year ago. That is why we addressed the issue in this bill. This is the bill that President Clinton vetoed. It has been referred to by Senator NICKLES and Senator HUTCHISON. I think we ought to think of this as a document that people do not think we passed because the President is on TV saying he is for balancing the budget and making some citizens ask: Where are the Republicans?

Well, where was the President last year when we were balancing the budget? Now, I will tell you that he was passing the buck. We do not want to pass the buck. We just want to get down and get the job done again.

Part of the issue that we are dealing with today, as everybody has been hearing, is that we are recognizing tomorrow as national tax freedom day. It is a sad commentary that we are to May 7 before people are done paying their taxes and can start working for themselves and their families. But also it is beneficial to remind people that this is a day when they can start working for themselves, if they are average Americans, because I think most people feel that Congress is so irresponsible that average Americans never get done paying taxes. But we have tax freedom day to bring people's attention to the fact that an annual point arrives where our people stop toiling away to fund big Government and begin toiling away to fund their families and their ways of life.

I am happy to say that in my State of Iowa, our citizens are slight winners in this year's tax freedom day lottery. For the people of my State, tax freedom day was Saturday, May 4, instead of tomorrow, May 7. As you can imagine, the people in my State find this 3-day victory to be somewhat shallow in comparison to what others, including the Federal Government, expect of them. The fact that we have 3 days more of tax freedom than most people, I suppose, is a tribute to Iowa officials being more fiscally responsible on State and local spending than we are at the Federal level as opposed to other States. For Iowans, it took 125 days this year, including weekends, to make it to this mock Federal holiday. For the first 18 weeks of 1996, working Iowans gave up their hard-earned money to fund Federal, State and local coffers. Finally, on May 4, Iowans began to keep what they might earn for the remainder of 1996. They only now begin to work to pay for the things that they must to do and what their families want to do and what they have a responsibility to do.

If you remember back to the 1992 Presidential campaign, Vice President GORE traveled the country giving his now famous economic speech in which he said:

> Everything that should be up is down, and everything that should be down is up.

I think this theme can also be applied to President Clinton's budgetary policy.

Common sense tells us that when things go up, something else comes down. So when the Government's budget for spending grows, obviously, the family budget shrinks. Another way to describe this bloated economic policy is by means of the Washington tax-and-spend syndrome. Some folks in Washington fail to understand that most Americans are not satisfied with the way their tax dollars are spent. Again, I should like to remind my tax-and-spend colleagues that money does not grow on trees.

Unlike the retail and service sectors of our private economy, the dissatisfied taxpayer, in dealing with the Federal Government, cannot demand a Government refund for poor services rendered. Many Americans feel shortchanged for helping to support programs that they do not believe in or use. When it comes to spending money on families, the choice should belong to taxpayers, not to the Federal bureaucrats.

Washington deficit spending is the public's greatest outrage of all. Taxpayers want to know why the Federal Government has spent more money than it has collected for each of the last 27 years. Ending this trend of 27 years of spending more than we take in is what balancing the budget last year was all about—the budget that the President vetoed. Because unlike the Federal Government, working families live on limited budgets and balance a checkbook. Not the Federal Government. But those same working families expect the same of Uncle Sam, to balance the checkbook and to be in the business of life and operating profitably.

Because Iowans are economically conservative by nature, most of my citizens are outraged by the fact that Washington cannot get its fiscal house in order. The willingness to pay their share of Government services becomes harder to swallow when wasteful and inefficient Government programs continue to expand.

I should like to give you an example that I had something to do with bringing to the public's attention last year. Consider the estimated $200,000 expense for a flight from Naples, Italy, to Colorado Springs, CO, U.S.A., last year by an Air Force general. About 36 taxpaying families in Iowa worked all of last year just to pay for General Ashy, an aide, and his cat to jet nonstop across the Atlantic with two inflight refuelings. He could have taken a commercial airline flight for $1,500.

This disconnect between elected officials and the public will continue to widen if Washington clings to the fiscally irresponsible status quo. Last fall, Republicans made many tough decisions in order to pass the first Balanced Budget Act since 1969.

And again, I do not think we can hold this up too often to say, ''Here it is. We passed it.'' One person stands in the way of this being law or not, and that is the President of the United States, Bill Clinton, because he vetoed it.

When the smoke from last year's budget battle cleared, it was obvious that no one won. We passed it, but we did not win. The President vetoed it, and you might say he won the public relations battle because he is on television having everybody believe that he thought of the balanced budget. It was 6 months past the last election when we won an election on a promise to balance the budget that the President said, ''Well, I am for a balanced budget, but we will do it in 10 years.'' It has only been since January 13 that he came around to doing it in 7 years as we are doing it with this legislation that he vetoed.

The President still leaves about 87 percent of his expenditures to be made in the years 2000, 2001, and 2002. That is a long way off and is difficult to plan for.

The American people do not have a balanced budget, so I still have to say even though we passed it, the public has not won yet. In fact, they are losing every day that we do not balance it for next year. More importantly, faith in Government suffers yet another setback.

As the Senator from Texas said, we have to work to restore the $500-per-child tax credit. In addition, we are going to repeal Clinton's 1993 gas tax, and we are going to do that because the President ran on a platform in 1992 in which he stated so often that an increase in the gas tax is sticking it to the low- and middle-income working people of America and the retirees. The President said that he is not for doing

that, and yet he did it within 6 months. We voted against it, so obviously we are still sticking by our convictions not to be for the President's gas tax increase because it is regressive. We have a chance now with high gasoline prices to make the point and to repeal something the President said in 1992 he was not going to do anyway. So that is why we are doing it. But we are also in the process of trying to free working poor and middle-income families from excessive tax burdens.

So Iowans, the people of my State, marked tax freedom day on May 4, 1996, and the rest of the country tomorrow, May 7.

During this period, and especially today, I believe it is the duty of the President to agree with Congress to cut spending and to provide tax relief so that Iowans, and their friends in every other State in the Union, can commemorate this day earlier next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I compliment my colleague, the Senator from Iowa. He reminds me of what I said in my opening remarks when I was rebutting the statement by the Senator from Virginia, who thought the courageous thing to do was to keep the gas tax in place. And he reminds us that the President himself came to the American people in 1992 and said, as you just heard from the Senator from Iowa, that a gas tax is not the thing to do and it is particularly harmful to people with low income, the middle class, and seniors. That whole episode is interesting to me because it was such a center point of the President's campaign, that he would lower taxes on America's middle class. The bags were not unpacked before that promise was forgotten. Then, by August 1993, as the Senator from Iowa has alluded to, we were confronted with the largest tax increase in American history.

So you go to the American people and say I am going to lower your taxes. Then you come up here and raise them the highest they have ever been raised. And no wonder a cynicism begins to set in across the land about the way Washington works. The bottom line here is that Americans are working 40 to 50-plus percent of a work year for a government. I know Thomas Jefferson, if he were here today, would be astounded. If you read back through his remarks, time and time again he warns and points to the egregious behavior of governments when they consume too much of the fruits of labor. He said it throughout his life and throughout his working in the founding of the Government. He also warned us that governments by their nature do just that. I do not believe a single Founder could ever conceive that our Government would be a government that sweeps half the earnings away from an American family.

I have spent a good bit of my time talking about this average family and what the burden of taxes does to them. I would like to visit on this just a little bit more. I often refer to Ozzie and Harriet as the quintessential family of the 1950's. When Ozzie and Harriet were working in the workplace, Ozzie sent 2 cents out of every dollar he earned to Washington. But if he were here today, he would send up to 24 cents; from 2 cents up to 24 cents out of every dollar of his wages being sent to Washington.

That fact raised several questions in my mind. All of us in the country are very concerned, deeply concerned about the behavior of our families and the changes that have occurred. It created a deep worry. We have heard Senators say here: If you ask parents today if they are better off than their parents, they say yes. But for the first time in American history if you ask them do you think your children will be better off than you, they say no. That is the first time that has ever happened in America.

What has been the force that created this sense of pessimism? My argument is that there is no single institution or structure or force on the American family that has so profoundly affected the way they live and function as has had their government; more than Hollywood, more than pop music stars—government. What other force sweeps through the family and takes half of everything those bread earners earn?

When I was a kid I was told the largest single investment I would ever make is my home. My guess is the Presiding Officer was told the same thing. But that is not true anymore. We have to change the rhetoric. We now have to tell America's children the single largest investment you will ever make is government. It now surpasses housing; your home, clothing, education, and transportation combined. So no institution has had a more profound effect on the way the American family functions than the government.

There is a lot of discussion in today's workplace about both parents having to work and not, therefore, having the opportunity to spend enough time with the family in setting the standards, in monitoring what is going on in the family. I would allege that the single greatest force in our country that has caused families to have both parents in the workplace is the government, too. In fact, I was so curious I wanted to know, from 1950—Ozzie and Harriet—to now, the increasing number for which both parents work each succeeding year. Then I tracked that scale or growth against the increased tax burden. Mr. President, you will not be surprised, nor would anybody else, that those two lines on a graph track each other almost simultaneously. In other words, every year, as the Government added yet another gas tax or raised the income tax or some other scheme to get more of the revenue of that working family, each time they did that another so many thousands of American families were forced to make the decision that both spouses had to work.

In fact, both parents today work on each day longer earning taxes to give to the government than they spend with their own family. They are now investing more of their workday working to pay off this tax burden and the debt and the interest on the debt and all the commensurate effects of taxation and regulatory burdens—they are spending more time doing that than they are raising their own families. Is there any wonder, then, that the behavior of that family is changed? It should not be a surprise to any of us.

If you ask the second spouses today if they are working on their own, voluntarily, 85 percent say no. Mr. President, 85 percent would do something differently. A third of them would stay home. If they had their option, they would stay home. They cannot. They cannot make ends meet without both of them being in the workplace. A third of them would volunteer, they would like to be in the workplace as volunteers. And another third would modify the amount of time that they are in the workplace.

So I wonder, you almost wish that we could cause the Federal Government or all governments to put on the tax form: ''This is how many days your family has to work to meet this obligation,'' because I am convinced that there are not many families who think they are working from January 1 to May 7—or, as the Senator from Texas pointed out, to July 3, if you add the regulatory burden in—that they work until midyear before they have the opportunity to keep one dime for themselves, one dime to pay for what they are responsible for accomplishing for the country. This is a sad state of affairs and I believe all of us need to be engaged in absolutely sound, fundamental policy to push that burden back.

If America were picking the date, they would pick March 1; that they would have worked from January 1 to March 1, and that is a fair deal between that family and the Government: March 1. But, instead, because of all these pressures—I guess courage has been alluded to by the Senator from Virginia—they now work until May 7 instead.

Mr. President, we have just received a white paper from the Manufacturing Institute called ''Improving the Economic Condition of the American Worker.''

I would like to read just a small piece of what this report says. It is entitled: ''Government Obstacles to Wage Growth and Job Creation.''

> Taxes, particularly payroll taxes, account for much of the slowdown in compensation growth.

We read every day articles concerning the anxiety in the American family from economic pressures in the family. But this report says:

> Taxes, particularly payroll taxes, account for the slowdown in compensation growth.

It says:

Had the relative tax burden remained at the level of 40 years ago, today's typical family would have an extra $8,847 in disposable income each year.

Eight-thousand dollars. Now remember, Mr. President, a moment ago I said that average family is earning about $40,000 a year. This is the equivalent of a 20-percent pay increase, $8,847 in additional income.

Based on an analysis of Census Bureau figures by the Tax Foundation, the median two-earner family paid about 20 percent of its income in 1955. In 1995, taxes took an estimated 37 percent. The change is even more apparent when it comes to payroll taxes which represent the largest tax on many employees. Social Security and Medicare taxes are 45½ times higher today than in 1955.

These are the reasons Ozzie was only sending 2 cents to Washington and today he is sending 24 cents.

Median income, on the other hand, is only 10 times higher. Companies today are burdened by heavy, nonproduction costs largely created by government—

Just as we have been saying all afternoon.

The major ones are government regulations, legal services and taxes. If these costs could be reduced significantly, companies would have more resources available to expand and hire more workers and pay higher wages. The current regulatory system is too costly.

The Senator from Utah was talking about this very point.

In my closing minutes, I want to point out that elections have consequences. President Clinton's efforts on the economy in 1993 really had a major effect on the American family.

It is important to note that since this administration came to office in January 1993, virtually everything they have done has pushed and mounted the economic burden on the American family and American business. In other words, with all the American people saying, ''We're being taxed twice what we should be, we should be free to earn our own money on March 1, not May 7,'' but this administration came here and has pushed the tax burden higher, blocked regulatory reform by arguing against it here on the floor, so the regulatory burden is mounting.

Since Clinton has been President, regulatory costs to the American family have risen about $300 per year. Their taxes have gone up. They are working even more for the government than they were when this administration came to office, even though this administration said, ''You will be working less for the government. That's our promise to you. You'll work less. It won't be May 7; we're going to go back the other way.''

Wrong. Wrong. That promise was left at the doorstep of the White House, Mr. President, and they work more than when this administration came to office and they have more regulatory burden today than they had then. As we said earlier, the largest tax increase in history—$255 billion in higher taxes—gas taxes, Social Security taxes, a $31 billion increase in the gas tax, and, as we have all alluded, that has a particularly regressive effect on low-income Americans; less family income.

According to the Joint Economic Committee, after-tax median family income for a single-earner family has fallen $803 during the Clinton Presidency. If real after-tax incomes had grown at the average rate of the Reagan expansion, 1983 to 1989, single-earner median family income would be $1,274 per year higher.

People are spending less time at home with their families and more time working to pay for big Government. According to the Tax Foundation, Americans will spend 2 hours, 47 minutes—3 hours—of each working day laboring to pay taxes, and they will work this year until tomorrow, May 7, just to pay Federal, State, and local taxes.

Mr. President, the 1993 budget has cost America dearly. It has cost her 1.2 million in additional private sector jobs between 1993 and 1996; a total of $2,600 in after-tax income for every household in America between 1993 and the end of 1996; roughly $465 in wages and salaries in 1996 alone. The list goes on.

The point we are making is that American families work too long for the government and not enough for themselves, and this administration has made that situation worse, not better. They promised to make it better. They did not. Worse yet, they made it worse.

Mr. President, I yield the floor.

Mr. THOMAS. Mr. President, I am sure there will be more conversations today, as there should, about the fact that this is tax freedom day. This is the day that has been determined that each of us on the average has worked since the first of the year until now to pay our taxes to this country.

A typical family of four pays 38.2 percent of their income in taxes. That is for all governments.

In Wyoming, and this is the U.S. Census estimate, the median income for families is about $47,000. Federal taxes are about $10,000; local and State taxes are another $5,000 or $6,000, for a total of $16,000 in direct taxes. The estimated cost of Federal regulation for a family is about $6,600. Excess family interest payments caused by Federal borrowing are approximately $2,000 for a total of $24,000 that goes to taxation.

So, Mr. President, it is an appropriate day for us to take a look at what we do with taxes. I would like to approach it from just a little different angle. Of course, taxes are dollars, taxes are numbers when we talk about those, but I think also there is a concern that we ought to have that taxes also are related to the size of Government. They are more than money. They have to do with the kind of Government we have. They have to do with the number of Government programs that we expect, and there is a relationship between spending and taxes.

Of course, we ought to be willing to pay for the programs that we want. We have not done this. For 40 years, we have not balanced the budget. What we have done is said, ''Yes, we want more programs, but we are going to charge them to our kids; we're not going to pay for them.'' We ought to be willing to pay for the programs that we want.

I think that the message in the election of 1994, and we are coming up to another one in 1996, the message was, ''government is too big, the Federal Government is too big, it costs too much and we are overregulated.''

Too often in the past 40 years, we have said, ''Well, we have all these programs. The question is, how do we pay for it,'' instead of taking a look each time at what programs we have, how effective those programs are, where should those programs be cared for, do they, indeed, need to be there at all.

One of the problems is we have been sort of distanced from the idea of paying for them. The best relationship between a taxpayer and his or her Government is that as a taxpayer in a school district where the proposition is we need a new school or we need a new science lab, we say, ''All right, it costs x amount of dollars to have this new science lab. It is going to cost you this much on your taxes next year,'' and you make the decision whether or not you are willing to pay a cost-benefit ratio. Is it worth it to you to pay for that program?

The Federal Government removes us from that. It removes us in several ways. That is, most of us have our taxes withheld, and so we talk about after-tax dollars, and for some it is really hard to understand how many dollars we do pay in taxes.

I think it is great to have a tax day and say we have worked this year until now with nothing for ourselves, paid entirely for taxes. That is part of the problem.

The other, of course, is the Federal Government is removed to the extent that seldom do we have a chance as taxpayers to say, ''Here's the program, here's what it costs. Is it worth it to me? Am I willing to pay what it costs?'' We do not have that same kind of cost-benefit ratio opportunity that we have on the local level.

So I think it is appropriate that when we talk about taxes and we talk about the burden and we talk about the debt and we talk about the future, that we also take a look at government; take a basic, long look, some introspection of you and me as taxpayers and citizens, saying, ''I suspect in our form of government, those who put together the Constitution did not envision that 40 percent of our earnings, of everyone's earnings, on average, would go to pay taxes for government functions.'' Do you think? I do not think so.

They so clearly defined in the Constitution those things that the Federal Government should do, and there are many things, indeed, that the Federal Government should do. There are many things that only the Federal Government can do—defense, interstate commerce, highways—many things.

They also put in the Constitution the 10th amendment which says that only those things enumerated in the Constitution would, in fact, be carried out by the Federal Government and others would be reserved to the States and to the people. So we find ourselves with a great relationship between the taxes we pay and the amount of Government that we have.

Big spending and big taxes go together. We have done a number of things this year to seek to work at this. When the Republicans came in and took control of the House and Senate, they changed the debate. We have changed the debate from talking about how do we get more money to continue to grow, to taking a look at the programs that are there.

We have changed the debate to one of examining programs instead of simply saying they are going to grow some more, how do you charge it or how do you put it on the debt or how do you get some more taxes.

We have changed the debate to balancing the budget. The budget has not been balanced in 25 years. For the first time, the conversation now is toward balancing the budget. We presented a balanced budget amendment to the Constitution which says, as it does in almost all State constitutions, that you cannot spend more than you take in. It lost by one vote. I hope we get another chance, Mr. President, to take a look at that issue, and I think perhaps we will this week.

In that debate, frankly, we forced the President to deal with balancing the budget. The President did not send up any balanced budgets until this year. Now, of course, we do not agree with the way it has been balanced. It does not do anything about those things that drive it. But nevertheless, the discussion now is how do you balance the budget, not if you are going to balance the budget. We have reduced the number of programs in Government. We have to do that if we are going to do anything about taxes. We sought to reduce taxes in a couple of instances. We had regulatory reform.

Mr. President, I guess what I want to emphasize is we do pay a great deal of taxes. I think we pay too many taxes. I think we expect too much from the Federal Government; that there are other ways to accomplish those things more efficiently either through local government, State government, the private sector, that we ought to take our taxes and orient them, direct them toward those things that only the Federal Government can do.

But I hope that we do not simply talk about the amount, because taxes have a great deal to do with the concept, with the principle of what you do in the Federal Government. I think that is a legitimate debate that each of us ought to undertake as we move into this election season. Each of us ought to evaluate in our judgment what role we think the Government ought to have at the Federal level, what role should the centralized Government have, how much money should we spend, how do we become responsible morally, physically to balance the budget, and that seems to me is what tax day is about. I am delighted that there will be discussions about it, there will be considerable interest in it.

I think one of the things sometimes we do not even recognize ourselves is the amount that taxes have increased. Corporate tax increases between 1992 and 1995 have gone up 55 percent. Who pays corporate taxes? Corporations? I do not think so. It is the people who use their products, of course. They are passed on.

Personal taxes have gone up 25 percent. Total receipts have gone up 23 percent. At the same time total receipts and taxes have gone up 23 percent, the GDP has only gone up 16 percent.

So tax increases have outstripped our growth by at least 1.5 times. Payroll taxes have gone up 15 percent, and indirect taxes up 11 percent.

I am not opposed to taxes. Taxes are how we fund our Government. We have to pay taxes, should pay taxes. We should pay them fairly. The real issue is, what do you want to pay for? What are you willing to pay? What should we pay for? How do we do it efficiently? Tax day ought to cause us to consider those things and consider them as we come into this election cycle. Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I rise today to recognize tax freedom day; a day marking the people's emancipation from government taxation; a day after which the American people begin working for themselves and their families instead of for the Government; a day which continues to recede further and further every year.

This year, Mr. President, America's tax freedom day arrives on May 7. In my own State of Michigan it arrives even later—on May 9. Michigan, thanks to its friendly atmosphere for economic growth and investment, is relatively affluent. Thus Michigan pays a significantly higher portion of its income in Federal taxes than do other States. We are 13th in the Nation in total taxes paid, again in large measure because the Federal Government takes more from our citizens' paychecks than from those of citizens of other States.

But let us look at the overall tax picture.

As tax freedom day approaches, Mr. President, I believe it is appropriate for us to ask ourselves how much of their time, what proportion of their paychecks the American people feel it is fair for them to be asked to pay to the government.

When I first saw the results of the Roper Poll on this subject I was surprised to note that Americans of all stripes—whatever their race, sex, income level, or political persuasion—felt it was fair for them to pay a full 25 percent or one quarter of their income taxes. More astounding, however, is the proportion they actually must pay in taxes—over 38 percent.

Americans are willing to pay a quarter of their incomes in taxes, Mr. President, but that is not enough for our government. No, our government taxes away over 38 percent of the income of the average American family.

And the trend is toward more, not less. The government imposes ever-higher taxes on America's working families. Commerce Department data reveal that in 1995 total taxes as a share of the gross domestic product were the highest in U.S. history. Federal, State, and local government receipts consumed a record 31.3 percent of GDP.

Mr. President, this figure is simply astounding. Even at the height of World War II, with America fighting for her very existence, total taxes only consumed 25 percent of GDP. In 1992, only 4 years ago, taxes consumed 30 percent of GDP.

What does this mean? It means that taxes have risen by 1.3 percent of GDP—of the size of our entire domestic economy—since Bill Clinton became President.

And what does our President propose to do about this deplorable situation, in which our economy is operating under the highest tax burden in history?

Recent experience does not provide much hope for relief. In 1993 President Clinton signed into law the largest tax increase in history: $241 billion. The President raised taxes on gasoline. He raised taxes on Social Security recipients. He also hit our senior citizens by reinstating the highest estate and gift tax rate of 55 percent. He raised taxes on small business owners. And he passed a retroactive tax increase on the incomes of America's working families—not only increasing taxes on their future incomes, but actually taking a portion of the incomes they already had earned.

The President's tax hikes directly and indirectly increased the tax burden on millions of middle-class taxpayers. Small wonder he recently admitted that he ''may have'' raised taxes too much.

But President Clinton's contribution to higher taxes does not end there. When we Republicans sought to emancipate American families from some of their tax burden—to make their tax freedom come earlier in the year—President Clinton was ready, with his veto.

Americans should judge for themselves the effects of Clinton tax policies on their ability to keep what they earn for themselves and their families. They should ask themselves a few simple questions.

First, do you have children?

If so, President Clinton's veto of our Balanced Budget Act is costing you $500 per child in tax savings—the amount of the tax credit we attempted to give you.

Second, are you married?

If so, President Clinton's veto is denying you tax savings from a higher joint standard deduction. Married couples with average incomes of $50,000 who claim the standard deduction are paying $217 more than they would otherwise, because of the President's veto.

Third, are you trying to save for your retirement?

If so, and you earn more than $40,000 a year or have a nonworking spouse, President Clinton's veto cost you $1,120 in IRA tax savings.

Fourth, are you planning to adopt a child?

If so, President Clinton's veto cost you a credit of up to $5,000 to defray adoption expenses.

Fifth, do you care for an elderly parent at home?

If so, President Clinton's veto is denying you savings from a $1,000 eldercare deduction—that's between $150 and $280 out of your pocket and into the Government's.

Sixth, do you plan to earn taxable capital gains—for example by selling your house when you retire?

If so, President Clinton's veto is preventing you from keeping more of your profits. The GOP reforms would have seen that you were taxed on only half of your net capital gain.

And finally, are you paying off a student loan?

If so, President Clinton's veto is costing you savings from a maximum $2,500 deduction on the interest paid for the first 5 years of repayment.

This veto delayed tax freedom day to May 7—the latest date ever. This veto extended to 3 hours, out of the typical 8-hour workday, the time Americans must work just to pay taxes, the longest ever. This veto means that the value of the dependent exemption continues to decline. Our families are having a harder time supporting their children, in part because the exemption has lost much of its value. For the dependent exemption to be worth the same it was worth in 1960, it would have to be $3,800 today—$1,300 more than the current $2,500.

In short, President Clinton's policies have chained America's working families to ever-higher taxes, making it harder and harder for them to support themselves.

His policies have cut the growth of Americans' real personal disposable income. They have hurt the economy, increased taxes and reduced by nearly $2,600 the amount of money every American household can use to support itself. They have contributed to a situation in which more and more families have two working parents not out of choice but out of economic necessity. At the same time these policies have reduced the size of parents' paychecks—even as parents face increased costs for their children's education, worries over their own retirement and concern that they are spending enough time with their kids.

Americans today are, and have every right to be worried about their jobs, concerned about their future, and angry that the American Dream of moving up through hard work seems to be slipping out of reach.

In one generation, Mr. President, the Government has doubled the amount of money it takes from the American people. It has severely restricted our freedom from taxation. And what have we gotten in return? Certainly not safer and better schools. Certainly not safer and cleaner streets. Certainly not reduced drug-use and juvenile crime. Certainly not lower levels of welfare dependency and hopelessness.

No, Mr. President, what Americans have bought with their tax freedom is nothing more than increased Government control over their lives. And this must end.

We must free our people from the chains of overtaxation and overregulation.

We must see to it that Americans earn more and keep more of what they earn so that they can do more for their families and communities.

We must institute reforms that will encourage economic growth, lower tax burdens, and empower America's working families to once again take charge of their own lives, helping themselves and their neighbors.

What does this mean in practice?

To begin with, Mr. President, it means relieving American families of the burden imposed by the Clinton tax increases. This is why we must pass the $500 exemption for all children under the age of 18.

It also means reducing the amount Americans must pay for gasoline by rolling back the 1993 Clinton gas tax increase that unfairly burdens lower income working families.

It also means we must create more and better paying jobs through incentives like a capital gains tax cut that will encourage businesses to invest in resources that create jobs.

And it means helping people save for the future by encouraging retirement savings and portability.

Finally, Mr. President, it means balancing the budget and stopping Government from overspending. It means regaining control over the cost and size of Government so that the tax burden and regulatory burden both may be lifted from the shoulders of the American people.

America always has been the land of freedom and opportunity. In large measure this has been true because we have recognized that opportunity—the chance to build a decent and rewarding life for yourself and your family—depends on freedom.

Only with the freedom to work, move, and invest as we see fit can we make the most of our capacities.

It is our job, Mr. President, to restore Americans' opportunity by freeing them from a Government that taxes too much and prevents them from pursuing their own good, and the good of their families and neighbors.

Tax cuts, growth incentives, and renewed responsibility in government spending and regulation will emancipate the American people from the chains of taxation and overregulation.

More than this government cannot provide. Less than this, Mr. President, we dare not provide.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Utah.

Mr. HATCH. Mr. President, before we get into the Billy Dale bill, because it is a very important piece of legislation, as far as I am concerned, I thought I would spend a few minutes, as chairman of the Judiciary Committee, talking about habeas corpus reform because of the extraordinary action taken by the Supreme Court last Friday, and then I will launch into the Billy Dale legislation.

THE SUPREME COURT AND HABEAS CORPUS REFORM

Mr. HATCH. Mr. President, last Friday, the Supreme Court decided to hear a challenge to the constitutionality of the habeas provisions in the Anti-Terrorism Act. To examine this issue, the Court chose the vehicle of Felker versus Turpin, a case in which the prisoner, Ellis Felker, kidnaped, robbed, raped, sodomized, and then killed Evelyn Joy Ludlam, a 19-year-old college student who was working as a waitress. The Court ordered an expedited briefing and argument schedule, with the likely result that the Justices will decide the issues involved by the beginning of July.

Mr. President, I ask the Clinton administration, and in particular, its Solicitor General, Drew Days, to vigorously defend the constitutionality of our habeas reform. Habeas reform was the heart and soul of the Anti-Terrorism Act, and it is the only thing in the act that will directly affect the perpetrators of the heinous bombing in Oklahoma. Without habeas reform, those who murdered in Oklahoma, like other convicted murderers throughout our Nation, will be able to use frivolous petitions and appeals to prevent the imposition of their justly deserved punishments.

It is a sad day when we in the Senate must ask the Justice Department to vigorously side with the State in a death penalty case. But I am afraid to say that we must because of the Clinton administration's demonstrated reluctance to support habeas reform and the death penalty. Through its Solicitor General, the Clinton administration has failed to support State efforts to impose capital sentences—a 180-degree turnaround from the policies of the Reagan and Bush administrations. For example, in Judiciary Committee hearings led by myself and Senator THOMPSON, we learned that, during the 1994 Supreme Court term, the Solicitor General under the Clinton administration failed to file even one brief on the side of the State in death penalty cases. As this chart makes clear, this is a sharp drop off from the practice

under the Reagan and Bush administrations, when that number was 42.9 percent in 1991 and 37.5 percent in 1992.

The Clinton Solicitor General's failure to defend the death penalty is only part of the administration's soft-on-crime litigating positions. In case after case, the Solicitor General has refused to appeal cases in which the lower courts have overruled the Government, have overturned convictions, or have made it difficult to prosecute the defendant. Take, for example, the decision in United States versus Cheely, in which a panel of Carter judges in the ninth circuit struck down the Federal death penalty as unconstitutional. The Clinton administration's Solicitor General refused to appeal that case to the full ninth circuit or to the Supreme Court. When asked by Senator THOMPSON why no appeal was filed, Drew Days responded that he felt that the case did not raise large enough concerns to justify a rehearing.

Another example is the case of United States versus Hamrick. This is the case in which a prisoner sent a mail bomb to a U.S. attorney. Luckily, the bomb did not go off. Unluckily, a panel of judges on the fourth circuit overturned his conviction for assault with a deadly or dangerous weapon because those judges felt the bomb was an incomplete bomb and could not go off. Again, President Clinton's Solicitor General failed to appeal that decision, and the fourth circuit had to sua sponte order a rehearing to reverse that activist decision.

I could go on. I could describe the Solicitor General's effort to narrow the Federal child pornography laws. I could describe the Solicitor General's support for lawsuits by prisoners against the Arizona prisons. I could describe the drop-off in the Solicitor General's support for the State in all criminal cases before the Court. I have discussed these cases elsewhere, and I think that the point is clear. If the administration were truly serious about fighting crime, more than 90 percent of which is prosecuted in State court, then it should work harder to toughen the judicially created criminal rules that bind both Federal and State law enforcement, prosecutors, and courts.

The Solicitor General's conduct follows the rest of the administration's opposition to habeas reform and the death penalty. For example, on the eve of House debate on the antiterrorism bill, the White House sent emissaries to the Hill to lobby for weakening changes to the habeas reform package. Abner Mikva, the former White House counsel, lobbied to restore the de novo standard of review in habeas petitions, which would allow Federal judges to reopen issues that had been lawfully and correctly resolved years earlier.

Before that, the Clinton Justice Department in 1994 lobbied the House for passage of the so-called Racial Justice Act. This provision, in the guise of protecting against race-based discrimination, would have imposed a quota on the imposition of the death penalty. It would have effectively abolished the death penalty. When the Senate refused to accept this death penalty abolition proposal, the Clinton administration issued a directive implementing its substance to require a racial review of all Justice Department death penalty decisions.

The weaknesses of the Clinton administration and of the Solicitor General to combat crime and to support the vigorous enforcement of the death penalty concern me in this case. The importance of winning this case cannot be overstated. One of the keys to winning the war on crime is to make clear society's determination to mete out swift, effective justice to those who are found guilty of violating its laws. Our habeas reform bill will prevent murderers from abusing our procedural system to forestall their punishments.

Because of my concerns about President Clinton's Solicitor General and the death penalty, let me announce today that I plan to file an amicus brief before the Supreme Court defending the constitutionality of habeas reform. I invite all interested Members of both the Senate and the House to join my brief. We cannot take the chance that the Clinton administration will pull another Cheely.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will now resume consideration of H.R. 2937, involving the reimbursement to the former White House Travel Office employees, which the clerk will report.

The bill clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole Motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

Mr. HATCH. Mr. President, today we turn to H.R. 2937. This is a bill to provide for the legal expenses of Billy Dale and other former White House Travel Office employees.

Mr. President, today I rise to urge my colleagues to support the pending legislation to reimburse the legal expenses incurred by Billy Dale and the other White House Travel Office employees who were summarily discharged from their jobs on May 19, 1993. This is a bill that I believe remedies the grave miscarriage of justice that resulted in the wrongful investigation and prosecution of Mr. Billy Dale and other former White House Travel Office employees.

President Clinton has said that he supports reimbursement of legal fees for Mr. Dale. I take him at his word. I am counting on him to make sure that people on the other side do not delay this bill, that cloture will be invoked tomorrow. It is surprising to me, however, that we are here trying to move this simple measure that the President supports, that had overwhelming bipartisan support in the House, but that some of my Democratic friends continue to seek to derail.

It is time to act on this measure and put to rest the years of unnecessary expense and inconvenience suffered by Mr. Billy Dale and his former colleagues of the White House Travel Office. To do anything less, in my opinion, would be to deny justice to those wrongfully prosecuted by the Government.

The issue is simple: Mr. Dale served his country, at the pleasure of eight Presidents, as the director of the White House Travel Office. He faithfully served both Democratic and Republican Presidents. He provided years of service that involved the thankless task of ensuring that the national and international media were in a position to cover and report the movements of the President to the public. For that, Mr. Dale and the entire White House Travel Office staff were fired on May 19, 1993, and fired in what really could be nothing less than a surreptitious manner.

As if that humiliation were not enough, Mr. Dale was thereafter indicted and prosecuted for embezzlement. On December 1, 1995, after 2½ years of being investigated by the FBI and IRS and incurring tremendous legal expenses, Mr. Dale was tried before a jury of his peers and, after fewer than 2 hours of deliberation, found not guilty of all charges.

The travesty in this story is that the White House Travel Office employees simply got caught in the political crossfire of the new administration. They had served both Democratic and Republican Presidents, but found themselves in jobs that apparently were an impediment to the ambitious money-making schemes of some of the new President's friends.

President Clinton certainly had the authority to dismiss the White House Travel Office staff without cause. I do not begrudge the President his right to control White House staff. But subsequent to the firings, the Clinton White House may have felt the need to justify

its actions, given the tremendous media interest in this dismissal. Unfortunately, in justifying its own actions, the White House ruined the reputations of Mr. Dale and his colleagues. The White House' actions went well beyond routine termination of jobs at the President's pleasure. What happened is simply unconscionable, and we have to right these wrongs.

In May 1993, the Travel Office employees were fired and told to vacate the premises. In fact, two staff members learned of their termination on the nightly news. That is how this White House handled it. In an attempt to justify firing these loyal public servants, the White House met with and urged the FBI to investigate the Travel Office. Usually that is done solely by calling anything they think is wrong to the attention of the Justice Department, who then can, if it is deemed necessary, call in the FBI. That was not the case here. They actually tried to influence the FBI to get involved in what really was a political matter. They used allegations concocted by those who had a vested interest in running the office themselves. Curiously, the FBI helped craft the White House' press release about the firings.

The accounting firm Peat Marwick was hired to do an audit of the office. The firm's report, however, did not substantiate the allegations of mismanagement asserted by the White House. The firm found only modest financial irregularities, which are certainly not the same thing as embezzlement.

Now, this story would indeed be tragic enough if it ended here. But it does not. The Department of Justice then proceeded to indict Mr. Dale, seemingly without concern for the weakness of its case. The case was so weak that the citizens sitting on the jury who heard all the evidence exonerated Mr. Dale in fewer than 2 hours. For those who have tried a lot of lawsuits, it takes that long to organize the jury. This question of use of the Federal criminal justice system created a situation for Mr. Dale where he had to spend some $500,000, and even considered taking a plea, when he had committed no crime, just to end it—just to end this tremendous fiscal abuse of him and his family.

Indeed, after the jury dismissed the allegations, someone leaked the existence of the plea negotiations to the public in an attempt to further discredit Mr. Dale's reputation. The Clinton administration just could not let it end with Mr. Dale's acquittal. It had to take one more swipe at Mr. Dale. Not only are plea negotiations a necessary part of our judicial system, they are intended to remain confidential and are not to be used against a criminal defendant. Mr. Dale likely considered a plea agreement because he was faced with a crushing financial problem and burden, an uncertain future, and wanted to put an end to a trial that had become too much of a strain to his family and reputation.

No one should ever have to be put through this. No citizen of this country should be treated in this fashion. I have to say there have been a number of innocent citizens through the years who have had to make pleas just to get the Government off their back because the Government has a never-ending source of funds, where they, of course, can lose their whole lives and their whole life's work. In Mr. Dale's case, that is what was happening.

Even so, he was maligned by these leaks after his acquittal. It has now been nearly 3 years since the termination of the White House Travel Office employees, and they are still in the unfair position of defending their reputations. It is time to close this chapter in their lives, and it is time to allow them to have their reputations back. I cannot, in good conscience, sit quiet when I believe an arrogant use of power has taken place. The power of the White House was used to victimize the innocent for a President's political gains. The targeting of dedicated public servants, apparently because they held positions coveted by political profiteers, demand an appropriate response. Although their muddied personal and smeared personal reputations may never be fully restored, it is only just that the Congress do what it can to rectify these wrongs.

Accordingly, this bill will make Mr. Dale and the other former White House Travel Office employees whole, at least financially. It will never make up for what they have lost otherwise. But it will financially, by providing for attorney's fees and expenses related to the criminal investigation. This is the very least we can do. After all, we can do nothing to restore their reputations, their dignity, or their faith in this White House.

Let me briefly explain to my colleagues what this bill does for the former White House Travel Office employees. This legislation provides for payment of the legal expenses incurred by Billy Dale, Barney Brasseaux, John Dreylinger, Ralph Maughan, John McSweeney, and Gary Wright in connection with the wrongful criminal investigation launched against them subsequent to their firings. Though Mr. Dale suffered the greatest financial losses, the remaining six employees collectively incurred approximately $200,000 in their own defense. These six innocent—let me repeat that, innocent—employees were unjustly dismissed so that rich White House cronies could snap up their jobs. While this bill does not provide for compensation of all expenses associated with the investigation into the Travel Office matters, such as costs incurred while appearing before Congress, it will provide for attorney's fees and costs that resulted from defending themselves against criminal investigations.

I thank my colleagues for considering this piece of legislation and, above all, the Members of the House for passing H.R. 2937 with overwhelming bipartisan support. This is an important and long overdue measure. I find it a great breach of trust with the American people that the awesome prosecutorial powers of the Federal Government will be brought to bear on innocent persons for political motives. Even the White House in hindsight recognized that justice in this matter needs to be done. Indeed, when White House spokesman McCurry stated, ''Yes, and he signed it,'' referring to President Clinton's intentions to sign this bill reimbursing Mr. Dale, this was our call to enact this measure. We should all keep this in mind when voting to pass this bill.

I strongly urge support for the passage of this legislation.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Christina Rios, of my staff, be given privileges of the floor for the pendency of the debate.

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

Mr. HATCH. This is one of the most unjust things I have seen in all the time I have been here. It is just a shame that the awesome power of the White House could be utilized in this fashion. I am pleased that the President basically stands behind this bill and will not veto this bill. I am pleased he said he would support this bill. I hope our colleagues on the other side will support it, as I hope our colleagues on our side will support it.

There is no reason in this world why we do not rectify this kind of wrong caused by the Federal Government. My only problem is I wonder how many other wrongs like this there are in our system today? I think by and large our system is as honest and good and decent as it can be, but occasionally we do find people who play politics with the law. You should never play politics with criminal laws. People's lives, reputations, their very inner psyches can be completely destroyed when put through these types of embarrassing, despicable approaches. I am very upset about it.

I would like to see this passed without event and without a lot of screaming and shouting. It ought to be done in a dignified way. Every one of us in this body ought to be proud to do it and send this message, not only to this White House but future White Houses and future Justice Departments, that we will not tolerate this kind of action in the future. 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Mr. President, I, as you know, have made some arguments here that this is a bill that everybody ought to be for. It is to right injustices that

were created by certain people at the White House which the President even acknowledges in the sense that he said he would support this legislation. He does support this legislation. He thinks an injustice was done, and he thinks that Billy Dale and the other former employees ought to be reimbursed their legal expenses. The President is behind this.

This is not a partisan issue. But I just have been informed that the Democrats on the cloture vote tomorrow are going to vote against cloture on something this bipartisan. Not one of them is going to speak against it. I do not think anybody in this body can speak against this bill. But they are going to filibuster this bill because they cannot add the minimum wage to this bill, or they cannot add any number of other liberal wish lists to this bill.

Talk about an unjust situation confounding an unjust situation. I cannot believe that my colleagues are going to do that on the other side. They ought to be the first to say, get this bill through and do it and right this wrong.

When I was a Democrat we were concerned about people's feelings. We were concerned about compassion. We were concerned about injustice. We would move heaven and Earth to try to do something about it. But that is one reason I left the party. Politics is more important than anything else, I guess.

I am calling on my colleagues on the other side to do something about this. This is a wrong that ought to be righted. This man has been mistreated, and so have his colleagues. His reputation has been smeared and besmirched. And everybody in this body knows it, and everybody in the other body. The other body acted with dispatch and reason and dignity and in a bipartisan way and passed this legislation. We are going to correct the legislation with Senate legislation and send it back. And it will pass overwhelmingly over there. And if we play a two-bit game of not invoking cloture tomorrow I think that is pathetic.

I challenge my colleagues to wake up and quit playing politics with stuff like this. There is a place and a time to filibuster. There is a place and a time to bring up the minimum wage. This is not one of them. I would be ashamed not to see this bill just pass right through especially since nobody over there is going to speak against it, or if they are I would like to hear what they have to say because I am prepared to rebut anything they say. And I mean I am really prepared. And they better expect a rough time if somebody came on this floor and said that Billy Dale should not be reimbursed.

Where is the compassion the Democrats say they have? Where is the fairness? Where is the care for somebody who has been besmirched, and everybody admits it, who had to go through 2½ years of being brutalized in a full-fledged criminal trial where it got so bad and his expenses were so high and his family was going down the drain that the fellow was ready to even take a guilty plea or a plea to a minor offense in order to get the doggone ordeal over, which happens from time to time to innocent people. Fortunately, it went to the jury, and in this country, having tried hundreds of jury cases, hundreds of them, I have to tell you, I believe in that jury system.

After the O.J. Simpson vote, I was interrogated on that, and I said I will go with the jury. I may have my own opinions, but I am going to go with the jury. In this case there is no question about it, and everybody pretty much admits it.

If we are going to play games with this type of stuff—I do not mind my friends on the other side finding fault and hustling against legislation they despise or think is wrong. I do mind it on this legislation.

Let me tell you something. There are two sides to the minimum wage. There are two sides to abortion. There are two sides to all these buzz issues. There are not two sides to this issue. There is one side. And I do not know anybody who could rebut it or who would have the temerity to come out here and try to rebut it.

So I think it is time to quit playing games with something like this.

Surely, the tree was tied up. I was not here, but it was tied up because we did not want any games played on something that will right the injustices of the past like this bill does.

I am calling on my colleagues on the other side to give some consideration to not just me as chairman of the Judiciary Committee, who has tried to work with them in so many ways, but to their own President who said he supports this legislation and get it over with. It is to their advantage to get it over with rather than have to beat this to death over the next few days. I do not want to stand here and just keep pointing out the White House deficiencies on it. I wish to right this wrong, get it over with and then not talk about it anymore.

So I am calling on my friends on the other side to give some consideration to the work that some of us are doing. I know they feel deeply about the minimum wage. Some on our side feel deeply on the other side, and there is going to be a battle on minimum wage sooner or later around here. This is just not the right vehicle to bring the complaint about, have someone to bring up their special amendments on this. I think this is the time to do what is right.

If the President said he opposed it, OK, I can accept it. But I am calling on the President of the United States to get with it as my friend and the friend of every Democrat over here and to talk to our colleagues on the other side and to say look, fellows, men and women on the Democratic side of the floor, this is something that has to be done and it should not be delayed and it ought to be done now.

I am calling on the President of the United States to see that this gets done. I expect to do my very best to get it done, and I hope this rumor that I am hearing is not true. If it is, I have to say that the comity in this body is just breaking down. I do not want to see that happen because there are a few of us who want to see things resolved. A few of us want to resolve some of these problems. Where we have head-butting things where both sides feel very deeply, that is another matter. But on most matters around here we will resolve them, and this matter should not even be in question.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I heard the statement of the distinguished Senator from Utah, and I did not even have my television monitor on.

I wish to begin in my response in agreement with what the Senator has just articulated. I believe as he believes, and there is no one who cares more deeply about comity in this body than does the distinguished Senator from Utah—about the need for comity, about the need for ways in which to resolve our differences in a reasonable way, in a bipartisan or nonpartisan way, and that ought to extend to legislation that may divide us as well. As he has indicated, this bill does not divide us. I do not know that there will be a vote against this particular piece of legislation when we get to that point.

I think the Senator from Utah understandably underestimates the extraordinary frustration that Democrats are feeling given the current circumstances. We were told that the so-called Presidio bill was not the bill with which to offer the minimum wage amendment, and it was dropped. We were told then that the term limits bill was not the bill with which to offer the minimum wage amendment, and it was dropped. We were told that the immigration bill was not the bill with which to offer the minimum wage amendment, and again it was dropped.

On bill after bill after bill after bill after bill, the Republicans have said this is not the bill, this is not the legislation, and in fact in most cases, whether it was the Presidio legislation or immigration, in many of those cases we then voted for cloture in an effort to move this process along in the name of comity, in the name of trying to resolve the pending issue because, as the distinguished Senator from Utah said, we ought to be able to do that.

And we have also said, look, we will agree to a time certain. We will agree not only to a time certain with regard to how much time is actually devoted to the debate on minimum wage, we will take a half hour and a vote; we will do it this afternoon, tonight, tomorrow. If that cannot be done as part of an amendment to a bill, we will take it standing alone any time in the next

few weeks. Tell us when. And that too has been denied us.

So, Mr. President, I have to ask, what does a guy do? How do you resolve this with comity? How do you resolve this in a way to try as best we can to work through these issues and yet be sure that we as Democrats are given an opportunity to address a very important issue?

Mr. HATCH. Will the Senator yield on that point?

Mr. DASCHLE. When I finish, I will be happy to yield. I would be more than pleased to enter into a dialog with my colleague from Utah but let me just finish some thoughts here.

I am disappointed, frankly, after all these weeks and with all of these good-faith efforts made, as amendments have come up, as bills have been considered, that we have not been able to resolve this matter. I do not know how much longer it will take, but I do know this. It appears more and more that many of our Republican colleagues secretly desire to be in the House of Representatives. I would urge them to run for the House of Representatives if that is their desire. If they want the luxury of eliminating the opportunity for the minority to offer amendments, if they want the luxury of saying we are not going to have a debate about an issue that we do not want to debate, then run for the House. I still think there may be some seats open this year. They could try it even this year. My heavens, if you want to be in the Senate, if you want all the opportunities that the Senate provides us for good, unlimited, open debate, then let us not act like the House of Representatives. Let us not foreclose every single option that Senators are supposed to have, to be able to consider and vote, consider amendments and consider issues in a bona fide way, trying to work through our differences. That is what this is all about.

But to be shut off, bill after bill after bill after bill, and to be told now this is not the bill either, in spite of the fact that we have unanimity on it, I ask the President, what should we do? We have no choice, Mr. President. We have no choice but to make our colleagues understand that this is the U.S. Senate and in the U.S. Senate you ought to be given opportunities.

I have a list here. I do not know, I do not think I will go through them because it really does not serve any useful purpose, but I can give you a list of Domenici amendments, Helms amendments, McCain amendments, Roth amendments, Gramm amendments, Hatch amendments—you name it. We have amendments with just about every Republican name on them that were not relevant to a bill in past years, in past Congresses, offered on that side and not precluded by the Democratic majority at the time, because they thought it was important. They thought it was important.

So here we are. The roles are reversed. We are the minority. Now we are supposed to offer amendments in those situations where we are not able to get a bill to the floor, and what happens? It is becoming a pattern. What happens is a bill is presented to the Senate floor and the tree is filled. There are so many leaves on this tree it looks like a forest in this place. I must tell you, it gets frustrating when we are not given the same opportunity we gave the minority when we were in the majority.

I am sorry the Senator from Utah is frustrated. He is beginning to sense a little of the frustration we feel on our side. This minimum wage vote will happen. It is just too bad that it has not happened already. There will be other votes that may not be comfortable votes. But, my heavens, this is the U.S. Senate, and we ought to have an opportunity to debate them, vote them, have our differences and work through them. We ought to allow debates to take place.

Indeed, let me end where I began and where the Senator from Utah ended: Let there be comity. Let there be a way in which to resolve these matters in a good-faith manner. I am prepared to do that. I know he is prepared to do that. The sooner it happens the better.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to do that. I believe in comity, and I have worked hard with my colleagues on the other side for comity. There have been innumerable bills where the Democrats have brought up not-relevant amendments throughout this process.

What has happened here is they think they have a good political issue in the minimum wage. There will be a vote on the minimum wage before this year is out, there is no question. I do not blame the majority leader, who is acting no differently than the distinguished Senator from South Dakota when he was majority leader. I do not blame the majority leader for wanting to be able to schedule that at the appropriate time, not on every bill.

Also, in my whole time in the Senate I do not remember a period of time like the last 2 years where almost everything is filibustered, where it takes a cloture vote to be able to end the debate. I think part of that came because our friends on the other side did not like the Contract With America. They did not want it to succeed. They have a right to fight against it, and they have a right to filibuster against these—but not everything. I have to admit, as somebody who has utilized the filibuster in the past and is known as somebody who can utilize it, I have used it very sparingly, only on major issues where there are clear-cut differences and where it is justified. But we have had a virtual slowdown on everything.

Having said that, my colleagues on the other side have a right to do that. I am not going to take that right away. In fact, I would fight to my death for the filibuster rule. It is what makes us different from the House of Representatives. I might also add, I do not know a Senator who wants to go to the House of Representatives. I know a lot of Members of the House who would like to come here, especially Democrats. I have to say I guess Republicans have that desire as well.

But to make a long story short, I do not believe that every bill has to be a bill where you cannot debate nonrelevant amendments, but this is one that passed 350 yeas to 43 nays in the House. It is a truly bipartisan bill, one that rights a terrific wrong that the White House basically admits was done, one of which the President said, ''I support it. It is the right thing to do.'' And which I think my friends on the other side ought to accept.

Since nobody opposes this, why make this the cause celebre with regard to the minimum wage or any other special interest legislation that either side would like to bring up? Both sides have their peculiar special interests. We all know that. Both sides are sincere on these special desires. But this is one where the President said he would support it. This is one where 350 Members of the House, Democrats and Republicans, said they would support it, and only 43 were against it.

This is one where I think 100 Senators will support it, at least I believe 100 Senators would, because I think every Senator here knows this is a terrific injustice. This bill is one that literally will not repair the reputations and the lives of those who went through this horrendous experience but will at least say to the public at large, and to them, that we in the Senate have some consideration for them, we have some compassion, that we care for them, that we are sorry for what happened, and what we can do, we will have done.

I happen to have a great deal of friendship for my friend from South Dakota, the Democrat leader on the floor. There is no question that we are close friends. I cannot imagine, knowing him as well as I do, that he would allow his party, his side to be so crass as to filibuster this bill or to even require a cloture vote. This side would be just a voice vote, although I would like to see everybody stand up and vote 100 to zip to support this bill. I really believe—I am just counseling my colleague, whom I care for and he knows it—I really believe it is the right thing. We ought to get it over with, get it done, not spend a lot of time on it, let these people know Democrats and Republicans are together on this and not get involved in the quagmire of the minimum wage or anything else.

I know that is going to come up. I know it has to come up. I know our friends in the minority have a right, have many rights, and there will be many tough votes, as the distinguished Senator says, for both sides. That is just the way it is, not only in a normal year but in a Presidential year in particular. But there are some things we

should do in a bipartisan way. We should not elevate it to the level of filibuster. We should not elevate it to the level of trying to get one or the other side's own personal preferences, especially when the President supports it.

So I am calling on the President. I am calling on my colleagues on the other side. I am calling on my friend, the minority leader, to think this through and let us get this over with and do what is right and give these people a chance to walk away with at least some measure of dignity, even though they will never get their full reputations back in the eyes of some people. They have been scarred for life. The least we can do is try to do some plastic surgery here to make the scars a little less reprehensible to them. I think we all ought to have the compassion to do that.

That is all I am asking for. I can live with whatever the minority wants to do. I caution the minority to not do what I have heard might be done and to really think this through and help me, as Judiciary Committee chairman, to get this matter over and done with; get it over for the White House and done. Once it is done, it will not be mentioned again, to my knowledge, on the floor. Just go from there. I just think it makes sense to do that.

But I can live with anything. I have been around here a long time, and I have seen a lot of injustices before. But I think, if we delay this and play games with this bill, then we will play games with anything. I think this would be a tremendous, manifest injustice. That is my opinion, but I think it is shared by a wide variety of people on both sides of the aisle. I think really we ought to. There will be plenty of chances on other legislation, there will be plenty of chances to get the will of the minority done. I think, just work with the majority leader. I think it will get done because I guarantee there is going to be a bill on it, but it is going to satisfy both sides if it happens. It is not just going to be a one-sided bill.

I think there will be an appropriate time to do that. I just believe, and I think most people who look at this fairly believe, this is not the bill you should be playing games with. Having said that, I respect my dear colleague, I still love and appreciate him, and I know he has a tough job. I know he has to handle his side. But I hope he will urge them to err on the side of caution, err on the side of doing what is right, err on the side of compassion, err on the side of rectifying wrongs that are clear-cut wrongs, err on the side of supporting the President.

I think if you do that, you will win a lot of respect from some people who need to respect the minority as much as I do.

I just wanted to say those things. I feel deeply about it. I hope my colleague can help me on this.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, once again, I commend the distinguished Senator from Utah for appealing to reason and calm. I was thinking just as I was listening to his thoughtful remarks about how easy it would be to easily insert the minimum wage as he made an appeal for compassion, for doing what is right, for bipartisanship, for some appreciation of the magnitude of this problem as it affects those people who are directly going to be the beneficiaries, should the legislation pass.

Indeed, one could make that case, that it is time for us to put aside our partisan differences and do what is right, recognize that it has been a long, long time—5 years—since we passed the minimum wage. The purchasing power is the lowest it has been now in 40 years.

I would be willing to commit this afternoon to the chairman of the committee that we will vote for cloture, we will vote for final passage if he can work with me this afternoon to get a commitment for an up-or-down vote on minimum wage immediately following the vote on this particular bill.

If we can do that, we have exactly what the two Senators currently on the floor both want: Passage unanimously perhaps for this legislation, a bill to provide for the expenses of those who were victimized by the unfortunate circumstances in the travel office, and then send a clear message to more than 14 million Americans, most of whom are heads of household, that at long last we are going to give you a little more empowerment, we are going to give you a little more purchasing power. That is really what this is all about. This is an effort to try to find a way to address our mutual agendas, the majority's and the minority's.

I agree with so much of what he said, but I will disagree with one point. He made the comment that he has never seen so many filibusters. Let me tell you, as one who served in the majority in the last few Congresses, this side in the 102d and the 103d Congress, our Republican colleagues were the Babe Ruths of filibusters. We are still in the minor leagues when it comes to filibusters, when it comes to shutting this place down.

At one point, there were 60 filibusters pending in a Congress. It was unbelievable. There was nothing we could do. There was no legislation we could advance. And so we learned, hopefully well, and we will keep trying to learn better, we will keep trying to apply the lessons given us in past Congresses to be effective as Members of the minority, but we are not in that league yet. It is not even close.

When we have insisted on a filibuster in large measure is when we have been prevented from being equal partners in the legislative process, when we have not been given an opportunity to offer amendments, to participate in the debate, to have our say, to have some balance here in striking this legislative comity that we do want.

So I hope we can resolve it. I hope we can find a way to work through this. I hope that maybe this problem can be resolved in the next day. I would like to see in the next 24 hours a way to resolve it once and for all. It is within our grasp. We need to do it. The sooner we do it, the better.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to my colleague, and I have to tell you that I remember the days when Majority Leader Mitchell was accusing us of filibustering all the time. He would call up a bill and then he would file cloture that very minute and accuse us of filibustering where there was no intention to filibuster whatsoever.

Be that as it may, I think both sides have misused the filibuster from time to time. I think that is one of the points I made—it can be overused. I would still fight to my death to keep it alive, because it makes this the freest legislative body in the world and it is a great protection for the minority. I believe in that because I have been in the minority and I know how tough it is to be in the minority. I have no qualms about saying to the minority leader that it is a tool that he can use.

I am just suggesting, citing the minimum wage to show compassion right now is not the same as citing the Billy Dale matter where 100 people here know he and his colleagues were very badly treated. There is not the same bipartisan support for the minimum wage.

There is a tremendous set of arguments against the minimum wage. I feel very deeply myself. For instance, it is ridiculous to tell people we have to give them a living wage when, in fact, people who are heads of families who are on the minimum wage have all kinds of other Federal benefits that are added to get them way above the approximately $8,000 or $9,000 the minimum wage gives them, and we are paying for it as taxpayers. So it is not like they are bereft and limited only to whatever the minimum wage is.

There is the other argument, and a whole raft of arguments, about loss of youth jobs for especially impoverished youth and uneducated youth; their opportunities for working are gone. We can go into that ad infinitum. There are legitimate arguments against it, and there is a, almost even, set of viewpoints concerning whether it should or should not be enacted.

I can live with it one way or the other, to be honest with you, but I think it is a mistake to keep raising the minimum wage and raising all the other social benefits as well and, basically, decreasing youth jobs by the hundreds of thousands.

Be that as it may, that is an argument. There is not the same bipartisan belief in the minimum wage that there is in the Billy Dale bill. There are

many vehicles whereby the Democrats can raise cane about it and can filibuster with regard to the minimum wage, but this should not be one of them. If the President was against the Billy Dale matter, I could understand it, but he is for it.

If the distinguished minority leader was against rectifying the wrongs done to Billy Dale and his associates, then I could understand this, but he is for it. Are the other Democrats against the Billy Dale matter? Of course not. They are for it, and the reason they are is because it is right.

I think there are things to raise filibusters about and things to vote against cloture on, and I certainly would fight to my death for the minority's right to do that. But there are also things that are right and wrong, and the wrongs against Billy Dale and the way he was treated by this White House ought to be rectified, and we could do it like that.

We can do it by doing what we all know is right and not playing around with his reputation one more day. I find it unseemly that because of the difficulties over the minimum wage that our colleagues on the other side might consider not letting this bill pass and getting it over with and doing what is right. What really makes it unseemly, in my eyes, is that they had the majority for 2 years, between 1992 and 1994. They had the majority. Where was the minimum wage then when they had the majority? Why did they not pass it then? They not only had the Senate, they had the House. Where were all these compassionate minimum wage advocates in those 2 years?

Why is it suddenly in a Presidential year that our distinguished friend from Massachusetts comes on, waving his arms, saying, ''Oh, we have to do something about the minimum wage''? Because he knew that 89 percent of the major media in this country who support Clinton were going to get excited and say, ''Oh, BOB DOLE looks bad because he is not for minimum wage.''

Come on, the people are not stupid. We know doggone well this is a game to push up from the bottom so those in organized labor can make demands at the top. They know that. It is a game that has been played for years, and one reason we are going to get back into the inflationary cycle if we get suckered into doing that again.

But even if the minimum wage is right, if it is so right today, why was it not right between 1992 and 1994? If I am shouting here, I hope they can hear me outside the Chamber. Where were all the Democrats then, these great saviors of the little people? Why, it was not politically a great thing to do then because we would have pointed out how many jobs would be lost for these disadvantaged young people that cannot get that first inception job. History shows that if they get that inception job, it will not be long until they will be making a lot more than the minimum wage.

But they have to get the job. I might add, that people who do not get the job stay in poverty and on welfare. It is very insensitive to play politics with the minimum wage. But if it seems important, if it is one of these absolute things that we have to have—I have listened now for weeks to the Senator from Massachusetts and others who are advocates for the minimum wage.

It is easy to be advocates, boy, when you have the major media behind you because of the recent polls that show who they do back—90 percent for President Clinton. Where were they, these wonderful Democrats, these wonderful liberals who are so concerned about all the little people out there who think the minimum wage is such a tragedy? Where were they between 1992 and 1994—tell me—when they had control of this body, when they had control of the other body? Where were they?

Why all of a sudden in an election year to come out here and play games with the minimum wage? Why would they use that gameplaying to disrupt a bill to correct an absolute legal injustice that all of us admit is a legal injustice caused by White House staff, caused by pure brazen politics, caused by greed of people who supported the President?

Why would they want to continue to talk about this for days on end? You would think they would have sense enough to get it over with, especially since the President says, in the most sincere fashion possible, ''You were done wrong, Mr. Dale. And I support the efforts to try and resolve that wrong.'' Let the President retire in dignity from the Billy Dale fiasco.

The minimum wage—we can live to fight that another day. But even so—I am not going to call it hypocritical—but where were these wonderful saviors of the minimum wage in 1992, 1993, 1994? In fact, where were they when they took over the Senate in 1986, 1987, 1988? We did pass one then, I guess. But where were they in 1992 and 1994 when they controlled the Senate, they controlled the House? They could have done anything they wanted to do. I guess it was not an election year then. I guess because this President had won the heat was off, and they could wait to take care of these people during an election year so that they could score some political points.

That may be a little harsh. I will retract a little bit by saying there are literally those who have never studied economics in this body who really believe that the minimum wage needs to be raised because they really believe that they are going to help people to support their families with that extra 90 cents over 2 years.

Give me a break. It will cost hundreds of thousands of jobs for disadvantaged youth who will never get a job after that, who, if they had gotten a minimum wage job because they were not priced out of the marketplace, would go on to make more money, get trained, have the dignity that comes from working, and so forth.

It really bothers me that that battle would be used to defeat or to stop or to deter resolving a gross manifest of injustice like what happened to Billy Dale and his companions, which happened from this White House. It really is amazing to me, absolutely amazing.

The Democrats on the other side, who are so anxious to do something about the minimum wage, did not do anything in 1993. They did not do anything in 1994. Why? Because they knew it was bad for the country. They knew it was bad for the country. But today raising the minimum wage, they think, is good for Democrats, especially with their help in the media. But you know there are articles starting to come out by those who are thoughtful and reflecting on this, saying, with caution, ''Be cautious with regard to raising the minimum wage. You may cause more problems than you fix.''

Keep in mind for those out there who buy off on this language that you cannot live on whatever the minimum wage is— $4.25, $4.35 an hour—I agree, you cannot support a family on that. But this country is not uncompassionate. When you add food stamps, and you add the earned-income tax credit, and you add a whole raft of other social spending programs, including Medicare and Medicaid, when you add all kinds of social welfare benefits that they are entitled to under our current budget, nobody who runs a family lives on the minimum wage.

The fact of the matter is, they are entitled to these even if they work for the minimum wage. You are talking about an average family income of well over $13,000 a year that is well above what an increase in the minimum wage, this 90-cent increase, would do at $5.25. Where were these people in 1992, 1993, and 1994? Where were they over the last 5 years, if it is so important? Why were they not out here getting it done since they controlled both Houses of Congress, and in 1993 and 1994 controlled the Presidency too?

Where were the unions at that time demanding the minimum wage to be increased? I did not hear any real ruffling by the unions or anybody else. The reason was, they know doggone well that increasing the minimum wage is no panacea, that it does not solve the problems. You are still going to have to face the problems. And the best way to do that is straight up, and with opportunity, economic opportunity, not false mandating, further mandates on the backs of the American people.

If we had not passed the unfunded mandates bill, I would say, well, maybe there is a better logical argument for the minimum wage. The fact is, we passed it, and this is a mandate on the backs of American business of $1 billion annually. That is something to think about. Why would we do that if we think the unfunded mandates bill is so important, which passed overwhelmingly here in the United States? I could go on and on. But my point is, I hope

our colleagues on the other side will think better by tomorrow morning.

This ought to pass on a voice vote. I would prefer to have a vote on it just so everybody will know there are 100 Senators who want to right this injustice or the series of injustices and these wrongs and who want to support the President. And in doing so, the President had the guts to stand up and say, ''Yes. The White House did wrong here. And we should rectify this.'' I respect him for that. I think we all should.

But if we have a filibuster tomorrow, I am going to have a rough time respecting anybody who participates in that under these circumstances, especially since it passed the House 250 to 43. I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 380, H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spence Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul Coverdell, Connie Mack, Conrad Burns, Larry Craig, Richard Lugar, Frank H. Murkowski.

Mr. DOLE. I ask unanimous consent that this cloture vote, if necessary, occur at 10 a.m. on Wednesday, May 8, and the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. DOLE. I now ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the awesome $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny on television that keeps moving and moving and moving—precisely in the same manner and to the same extent that the President is allowing the Federal debt to keep going up and up and up into the stratosphere.

A lot of politicians like to talk a good game—''talk'' is the operative word here—about cutting Federal spending and thereby bringing the Federal debt under control. But watch how they vote on spending bills.

Mr. President, as of the close of business Friday, May 3, the exact Federal debt stood at $5,089,270,954,342.92 or $19,220.40 per man, woman, child on a per capita basis.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2407. A communication from the Secretary of the Interior, transmitting, pursuant to law, notification of the intention to award specific watershed restoration contracts; to the Committee on Energy and Natural Resources.

EC–2408. A communication from the Senior Deputy Assistant Administrator (Bureau for Legislative and Public Affairs), U.S. Agency For International Development, transmitting, pursuant to law, the report of economic conditions prevailing in Egypt; to the Committee on Foreign Relations.

EC–2409. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2410. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Export Certificates; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2411. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Importation of Additional Species of Embryos; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2412. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Animals and Embryos from Scrapie Countries; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2413. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Horse from Bermuda and the British Virgin Islands; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2414. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Imported Fire Ant; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2415. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Brucellosis: Approved Brucella Vaccines; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2416. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Karnal Bunt: Amend Quarantine Regulations; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 253

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 253, a bill to repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 932

At the request of Mr. JEFFORDS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 932, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1183, a bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the act, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1607

At the request of Mr. KYL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1607, a bill to control access to precursor chemicals used to manufacture methamphetamine and other illicit narcotics, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1613

At the request of Mr. COCHRAN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1613, a bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs, and for other purposes.

S. 1624

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1678

At the request of Mr. GRAMS, the names of the Senator from Arizona [Mr. KYL] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1678, a bill to abolish the Department of Energy, and for other purposes.

S. 1697

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1697, a bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete.

S. 1724

At the request of Mr. THOMAS, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Arizona [Mr. KYL], the Senator from Idaho [Mr. CRAIG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1724, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

SENATE RESOLUTION 151

At the request of Mr. MACK, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 151, a resolution to designate May 14, 1996, and May 14, 1997, as ''National Speak No Evil Day,'' and for other purposes.

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE REIMBURSEMENT ACT

PRYOR AMENDMENTS NOS. 3958–3959

(Ordered to lie on the table.)

Mr. PRYOR submitted two amendments intended to be proposed by him to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

AMENDMENT NO. 3958

At the appropriate place, insert the following new section:

SEC. . APPROVAL AND MARKETING OF PRESCRIPTION DRUGS.

(a) APPROVAL OF APPLICATIONS OF GENERIC DRUGS.—For purposes of acceptance and consideration by the Secretary of an application under subsections (b), (c), and (j) of section 505, and subsections (b), (c), and (n) of section 512, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b), (c), and (j), and 360b (b), (c), and (n)), the expiration date of a patent that is the subject of a certification under section 505(b)(2)(A) (ii), (iii), or (iv), section 505(j)(2)(A)(vii) (II), (III), or (IV), or section 512(n)(1)(H) (ii), (iii), or (iv) of such Act, respectively, made in an application submitted prior to June 8, 1995, or in an application submitted on or after that date in which the applicant certifies that substantial investment was made prior to June 8, 1995, shall be deemed to be the date on which such patent would have expired under the law in effect on the day preceding December 8, 1994.

(b) MARKETING GENERIC DRUGS.—The remedies of section 271(e)(4) of title 35, United States Code, shall not apply to acts—

(1) that were commenced, or for which a substantial investment was made, prior to June 8, 1995; and

(2) that became infringing by reason of section 154(c)(1) of such title, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4983).

(c) EQUITABLE REMUNERATION.—For acts described in subsection (b), equitable remuneration of the type described in section 154(c)(3) of title 35, United States Code, as amended by section 532 of the Uruguay Round Agreements Act (Public law 103–465; 108 Stat. 4983) shall be awarded to a patentee only if there has been—

(1) the commercial manufacture, use, offer to sell, or sale, within the United States of an approved drug that is the subject of an application described in subsection (a); or

(2) the importation by the applicant into the United States of an approved drug or of active ingredient used in an approved drug that is the subject of an application described in subsection (a).

(c) APPLICABILITY.—The provisions of this section shall govern—

(1) the approval or the effective date of approval of applications under section 505(b)(2), 505(j), 507, or 512(n), of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b)(2) and (j), 357, and 360b(n)) submitted on or after the date of enactment of this Act; and

(2) the approval or effective date of approval of all pending applications that have not received final approval as of the date of enactment of this Act.

AMENDMENT NO. 3959

At the appropriate place in the pending matter, insert the following new section:

SEC. . SENSE OF THE SENATE FOR THE REIMBURSEMENT TO CERTAIN INDIVIDUALS FOR LEGAL EXPENSES RELATING TO THE WHITEWATER DEVELOPMENT CORPORATION INVESTIGATION.

(a) FINDINGS.—The Senate finds that—

(1) the Senate Special Committee to Investigate Whitewater Development Corporation and Related Matters (hereafter referred to as the ''Committee'') has required depositions from 213 individuals and testimony before the Committee from 123 individuals;

(2) many public servants and other citizens have incurred considerable legal expenses responding to requests of the Committee;

(3) many of these public servants and other citizens were not involved with the Whitewater Development Corporation or related matters under investigation;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a legal expense fund should be established to compensate individuals for legal expenses incurred responding to requests by the Committee; and

(2) only those individuals who have not been named, targeted, or convicted in the investigation of the Independent Counsel relating to the Whitewater Development Corporation should be eligible for reimbursement from the fund.

ADDITIONAL STATEMENTS

TRIBUTE TO JAY ROY, NEW HAMPSHIRE RECIPIENT OF THE PRESTIGIOUS CONTINENTAL CABLEVISION'S EDUCATOR AWARD FOR 1996

• Mr. SMITH. Mr. President, I rise today to congratulate an innovative and dedicated New Hampshire elementary school principal, Jay Roy, on receiving the prestigious 1996 Cablevision Educator Award. Each year Continental Cablevision sponsors the Educator

Awards Program to recognize teachers, librarians, media specialists, and administrators for their innovative use of Cable in the Classroom programming and the development of successful technology-based projects.

Jay was specifically recognized for his role in the development of a video-yearbook program at Rollinsford Grade School in Rollinsford, NH. Fifth and sixth grade students at Rollinsford Grade School use the daily CNN Newsroom program and Continental's original ''Master Control'' show to analyze and understand the elements of television productions. The students then use the skills they have mastered to produce a video-yearbook, which is sold to students, parents, and school staff. Proceeds from the video-yearbook sales enable the school to purchase technology related products.

Continental Cablevision's director of government and public affairs, Tom O'Rourke, praised Jay's project because it addressed both television production techniques and media literary skills. O'Rourke also added that the judges were especially impressed with Jay's innovative use of the project as a fundraiser, and the subsequent reinvestment of those funds in technology. In addition to Jay's Educator Award, Continental Cablevision will present the Rollinsford Grade School with a $500 grant for video equipment.

As a former teacher myself, I understand the personal dedication, hard work, and innovation necessary to better prepare the most valuable resource we have in America today—our children. I am proud to honor Jay for donating his time and talents to help New Hampshire's best and brightest students learn how to use technology in their lives. I congratulate Jay for this prestigious recognition.●

HEROES IN MONTANA

● Mr. BAUCUS. Mr. President, I rise today to honor three individuals who are heroes in my State of Montana. They live in eastern Montana, an open spread of plains and rolling prairie. They vary in age, background, and experience. But they do have one thing in common: Each person merits recognition for extraordinary acts of courage.

Shirl Pinto of Lame Deer was recognized in April by Attorney General Janet Reno, who presented her with the Crime Victim Service Award, 1 of only 13 in the Nation, for her work as a victim's advocate. I know Shirl's family—she and her husband Rick Robinson, who heads up the Lame Deer Boys and Girls Club, and their children, are dedicated to providing safe haven for women and children. Shirl is on call 24 hours a day, 7 days a week, directing Healing Hearts, which is a shelter for victims of domestic violence. Her family knows she is devoted to her community—she has managed to make a big difference in the lives of so many people with few resources and great barriers to overcome.

Candice Rush is a 15-year-old from Sidney who rescued Lindsay Clayton of Glendive from a near-fatal drowning in a reservoir last summer. In her nomination statement of Candice for an American Red Cross Certificate of Merit, Lindsay related how she panicked after cramping up while swimming halfway across a reservoir. She grabbed onto a friend who was also in danger of being pulled under. Candice, who had received training as a lifeguard, swam to Lindsay, cleared away other swimmers who were trying to help, gripped Lindsay from the back and swam to the shore. Lindsay recounted how she was so scared and weak that she literally could not stand up on the shore. Candice displayed a cool head and used her training to save Lindsay's life—something neither Lindsay nor her family will ever forget. This kind of courage should be recognized.

Dakota Taylor, a 7-year-old, stopped by his friend's house in Whitewater, a small town near the Canadian border, and noticed something smoking in the fireplace. Dakota made sure that his clothing would not catch fire and then put out the smoldering material with water—one glass at a time. He then notified the family. Without his quick action, it is very likely his friend and his family would not have a house to live in today.

I am inspired by knowing of people like Shirl, Candice, and Dakota who have displayed courage, thoughtfulness, and leadership—qualities that we all seek in our daily lives. On behalf of myself and the rest of Montana, I am proud to recognize these individuals on the floor of the U.S. Senate.●

THE 85TH BIRTHDAY OF PRESIDENT RONALD REAGAN

● Mr. McCAIN. Mr. President, on the occasion of President Ronald Reagan's 85th birthday, the Wall Street Journal ran an op-ed piece by Trude Feldman, which payed tribute to this extraordinary man and his lifetime of achievements. As a great admirer and friend of President Reagan, I am pleased to bring this article to the attention of my colleagues. I ask that the op-ed be printed in the RECORD.

The op-ed follows:

[From the Wall Street Journal, Feb. 5, 1996]

RONALD REAGAN AT 85: A BIRTHDAY TRIBUTE

(By Trude B. Feldman)

Tomorrow Ronald Reagan celebrates his 85th birthday, thus becoming the fifth American president to reach that milestone. ''The anniversaries of my birth aren't important,'' he once told me. ''What is important is that I've tried to lead a meaningful life, and I think I have.''

The meaning of his extraordinary life goes beyond his various achievements as our 40th president. Those achievements would not have been possible were it not for a moral fiber and affability that most Americans expect but seldom get from their presidents. While Ronald Reagan's ethics and principles played a major role in his efforts to balance economic growth with true human needs, his courage and steadfast convictions helped set a new, positive direction for America—lifting it from a feeling of discouragement, and giving the people renewed confidence and pride in their nation. His commitment also served as the necessary catalyst in developments that led to the end of the Cold War.

In an era of cynicism about the character and veracity of political leaders, Mr. Reagan's integrity and vision warrant particular attention on this, the 85th anniversary of his birth.

THE ''GREAT COMMUNICATOR''

His courage as the ''Great Communicator'' was evident in his dramatic open letter 15 months ago in which he revealed that he had been diagnosed with the early stages of Alzheimer's disease. His handwritten letter was poignant, and vintage Reagan. Afflicted with the irreversible neurological disorder, he wrote that ''In sharing the news it might promote greater awareness of this condition . . . I intend to live the remainder of the years God gives me, doing the things I've always done. I now begin the journey that will lead me into the sunset of my life.''

Colin Powell is among the millions who were moved by Mr. Reagan's gesture. ''It was a beautiful personal letter to everyone,'' Gen. Powell told me. ''Frankly, that action made it easier for me to deal with my wife's depression when it became public.''

During a conversation I had with Ronald Reagan last year, he wondered aloud whether he had inherited the illness from his mother. Alzheimer's may have somewhat diminished his spark, but Mr. Reagan's genuineness and charisma still shine through. Away from the Oval Office for seven years now, he still looks presidential. Routinely working in his office, he continues to captivate visitors with his inimitable personality and attentiveness.

His dark brown hair is now tinged with a bit of gray, and he remains the model of good grooming and fashion. One day last week, he was his old handsome self attired in a blue pinstripe suit and blue tie, accentuated by a gold tie clip in the shape of the state of California, where he served eight years as governor. ''The reason I'm doing as well as I am,'' he says, ''is because of loving support from Nancy [his wife of 44 years]. She is my comfort, and has enhanced my life just by being a part of it. She has made it so natural for us to be as one that we never face anything alone.''

Mr. Reagan's close brush with death 15 years ago changed his attitude toward life and death. It was on his 69th day as president when, from a distance of 13 feet, I saw him shot by a would-be assassin. Mr. Reagan told me the traumatic experience had given him a greater appreciation of life that he had previously taken for granted. ''My survival was a miracle,'' he said. ''The ordeal strengthened my belief in God and made me realize anew that His hand was on my shoulder, that He has the say-so over my life. I often feel as though I'm living on the extra time God has given me.''

When Ronald Wilson Reagan was born in Tampico, Ill., his delivery was so complicated that his mother was cautioned not to bear more children. So she doted on him and soon became the primary influence in his life. From her, he acquired the stability and confidence that later enabled him to weather personal and political storms with equanimity. She fostered in him and his brother an incentive to work hard, and to live by the Ten Commandments and by the Golden Rule.

''My parents were rich in their live and wisdom, and endowed us with spiritual strength and the confidence that comes with a parent's affection and guidance,'' the

former president told me. ''The Reagans of Illinois had little in material terms, but we were emotionally healthy.''

The Rev. Billy Graham describes Ronald Reagan as a man of compassion and devotion, a president whom America will remember with pride. ''He is one of the cleanest, most moral and spiritual men I know,'' Mr. Graham told me. ''In the scores of times we were together, he has always wanted to talk about spiritual things.''

On many occasions over the past 21 years, Mr. Reagan shared with me his philosophies and his views on politics, foreign affairs, religion and human nature. ''I believe that each person is innately good,'' he observed. ''But those who act immorally do so because they allow greed and ambition to overtake their basic goodness.''

These beliefs, while the source of many of his greatest triumphs, also set the stage for some of his disappointments. One regret was that he did not demand greater accountability from his a staff—''especially those who abused their power with arrogance.'' He acknowledged that the tendency not to fire anyone had serious ramifications. ''For instance, any errors in our dialogues with Iran resulted because some of my subordinates exceeded their instructions without reporting back to me,'' he stressed. ''When I read the Tower Commission Report, it looked as if some staff members had taken off on their own.''

Another issue that troubled him was the public perception that he was prejudiced against minority groups and not concerned about the poor. He maintains that he had fought for legislation that would make welfare programs more effective. ''My economic program was based on encouraging businessmen to create more jobs and to better the conditions of their employees,'' he noted. ''I think I succeeded.''

On the day before his presidency ended, Mr. Reagan granted me his last interview in the Oval Office. He told me that the saddest day of his eight-year tenure was on Oct. 23, 1983, when 241 U.S. servicemen died in a terrorist bombing in Beirut, Lebanon. ''To save our men from being killed by sniper from private armies that were causing trouble in Lebanon, it was decided to shelter them in a concrete-reinforced building,'' he recalled. ''But no one foresaw that a suicide driver with a truck load of explosives would drive into the building and blow it up.''

At the close of that Oval Office interview, I asked him to describe his presidency in one line. ''We won the Cold War,'' he said without hesitation. ''That phrase didn't originate with me, but I'll settle form it. What counts is that there is an end to the Cold War, and I now feel justified in my theme of 'Peace Through Strength.'

Former President George Bush adds: ''Ronald Reagan's foresight put us in a position to change our relationship with the Soviet Union and to make it possible for the changes that took place in Eastern Europe. And he certainly helped bring democracy to our hemisphere.''

Mr. Bush, having worked closely with Mr. Reagan as his vice president, also told me: ''True, he was a man of principle on the issues. But, even more than that, the American people loved him for his genuine decency, his unfailing kindness and his great sense of humor. He is a true believer in the goodness of America.''

THE FINEST GIFT

Edwin Meese III, former attorney general, notes that Mr. Reagan's legacy to America continues to this day. ''Many are calling the congressional leadership's agenda the Second Reagan Revolution,'' he says. ''More importantly, Mr. Reagan continues to inspire Americans of all ages to value the patriotism and leadership which he so splendidly demonstrated.''

Longtime Reagan aide Lyn Nofziger concurs, adding: History will surely record that the finest birthday gift already given to Mr. Reagan by Americans is a Republican House and Senate that are determined to carry on the Reagan Revolution.''

Yet Mr. Reagan says that the best birthday gift for him this year would be that scientists receive the support they need to fund a treatment and a cure for Alzheimer's so that others will be spared the anguish that the illness causes.

Ever the altruist, Ronald Reagan—even for his birthday wish—places the welfare of others above his own. It is a characteristic that has served him faithfully until now, and is one that will sustain him on his ''journey into the sunset'' of his life.●

WARD VALLEY

● Mrs. BOXER. Mr. President, the Senator from Alaska, the chairman of the Energy and Natural Resources Committee, spoke on the floor earlier today in favor of S. 1596, which would transfer federally owned land in Ward Valley, CA, to the State of California for the purpose of building a low-level radioactive waste dump. I want to set the record straight and briefly explain why S. 1596 is not in the best interest of the people my State of California.

I am opposed to S. 1596 because it circumvents the efforts of many Californians and the administration to put safety first and to ensure the safety of the drinking water supply of over 12 million California citizens.

S. 1596 amounts to an unconditional transfer of Federal land in violation of the Federal Land Policy and Management Act of 1976 which requires the Secretary of Interior to include ''such terms, covenants, conditions and reservations as he deems necessary to ensure * * * protection of the public interest.''

In May 1995 the administration announced its commitment to transfer the Federal land to the State subject to receiving a binding commitment from the State of California that the additional safeguards recommended by a National Academy of Sciences panel be carried out; that the total volume and radioactivity of the material to be disposed of at the site would be limited to the amounts currently specified in the State license for the facility, and that there be a specific limit on plutonium deposited at Ward Valley. The State refused to enter into any kind of enforceable agreement.

Lack of cooperation from the State and the discovery of evidence that may indicate radioactive leakage to groundwater at a site of similar characteristics in Beatty, NV, led the administration to announce in February 1996 that it will carry out a supplemental environmental impact statement and perform key safety tests at the Ward Valley site before proceeding with the transfer.

The bill transfers the land for a payment of $500,100, and a nonbinding, nonenforceable letter from Governor Wilson to the Chairman of the Nuclear Regulatory Commission that the State will ''carry out environmental monitoring and protection measures based on recommendations of the National Academy of Sciences.''

The bill is another end-run at a process that needs to put the health and safety of California citizens first. It undermines the safety first approach that we have been pursing together with the administration.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Connie Mack:									
Ireland	Dollar		62.00						62.00
Total			62.00						62.00

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Apr. 17, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dirk Kempthorne:									
Italy	Lire	333,477	207.00		3,799.55			333,477	4,006.55
Mr. Glen Tait:									
Italy	Lire	333,477	207.00		3,143.85			333,477	3,350.85
Senator Charles Robb:									
Italy	Dollar				4,670.25				4,670.25
Senator James Inhofe:									
Italy	Dollar		1,904.00						1,904.00
Mr. John Luddy:									
Italy	Dollar		1,904.00						1,904.00
Mr. Frank Norton:									
Egypt	Pound	2,750	809.00					2,750	809.00
Turkey	Lira	13,587	262.00					13,587	262.00
Total			5,293.00		11,613.65				16,906.65

STROM THURMOND,
Chairman, Committee on Armed Services, Mar. 19, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1, TO MAR. 31. 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn:									
South Korea	Dollar				3,843.95				3,843.95
South Korea	Dollar						40.00		40.00
Japan	Yen	39,919	381.79					39,919	381.79
Japan	Yen					2,091	20.00	2,091	20.00
China	Yuan	4,891.92	590.10					4,891.92	590.10
Senator William S. Cohen:									
Germany	Mark	495.99	334.00					495.99	334.00
Senator Joseph I. Lieberman:									
Germany	Mark	410.74	276.59					410.74	276.59
Senator Kay B. Hutchison:									
Germany	Mark	1,015.74	684.00					1,015.74	684.00
Senator John McCain:									
Germany	Mark	644.49	434.00					644.49	434.00
Mr. Mark Salter:									
Germany	Mark	1,015.74	684.00					1,015.74	684.00
Mr, James M. Bodner:									
Germany	Mark	986.34	664.00					986.34	664.00
Senator Jon Kyl:									
Germany	Mark	401.90	270.64					401.90	270.64
Mrs. Julie K. Rief:									
Italy	Lire		450.72						450.72
Mr. George W. Lauffer:									
Italy	Lire	628,250	394.38					628,250	394.38
Mr. George W. Lauffer:									
Italy	Lire		60.42						60.42
Senator James M. Inhofe:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Total			6,447.64		3,843.95		60.00		10,351.59

STROM THURMOND,
Chairman, Committee on Armed Services, Apr. 22, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Carl W. Bentzel:									
United States	Dollar				1,678.85				1,678.85
Denmark	Krona	4,444.50	777.00					4,444.50	777.00
Belgium	Franc	20,093	666.00					20,093	666.00
Total			1,443.00		1,678.85				3,121.85

LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation,
Apr. 25, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Chafee:									
Canada	Dollar	220	393.48	110.06	81.01			330.06	474.49
United States	Dollar				519.60				519.60

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			393.48		600.61				994.09

JOHN H. CHAFEE,
Chairman, Committee on Environment and Pubic Works, Apr. 1, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William Roth:									
Thailand	Baht	24,003	954.00					24,003	954.00
Daniel Bob:									
Thailand	Baht	24,003	954.00					24,003	954.00
Jeremy O. Preiss:									
United States	Dollar				858.35				858.35
France	Franc	3,218.03	633.47					3,218.03	633.47
Switzerland	Franc	762.71	633.53					762.71	633.53
Deborah Lamb:									
United States	Dollar				890.35				890.35
France	Franc	3,337.96	657.08					3,337.96	657.08
Switzerland	Franc	798.59	663.34					798.59	663.34
Total			4,495.42		1,748.70				6,244.12

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, May 1, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Nancy L. Kassebaum:									
Mali	Franc	55,000	112.02					55,000	112.02
Zaire	Dollar		400.00		309.00				709.00
Kenya	Dollar		220.00						220.00
S. Africa	Rand	827.03	228.48					827.03	228.48
United States	Dollar				6,305.05				6,305.05
Tim Trenkel:									
Mali	Franc	55,000	112.02					55,000	112.02
Zaire	Dollar		400.00		309.00				709.00
Kenya	Dollar		220.00						220.00
S. Africa	Rand	827.03	228.48					827.03	228.48
United States	Dollar				6,305.05				6,305.05
Daniel Shapiro:									
China	Dollar		1,100.00						1,100.00
Hong Kong	Dollar		825.00						825.00
United States	Dollar				3,698.95				3,698.95
Senator Christopher Dodd:									
Haiti	Gourds	735	44.77					735.00	44.77
United States	Dollar				807.95				807.95
Janice O'Connell:									
Haiti	Gourds	1,035	62.35					1,035.00	62.35
United States	Dollar				1,030.95				1,030.95
Elisabeth DeMoss:									
Nicaragua	Dollar		70.00						70.00
United States	Dollar				685.95				685.95
Dan Fisk:									
Nicaragua	Dollar		185.00						185.00
United States	Dollar				685.95				685.95
Senator Claiborne Pell:									
Portugal	Escudo	35,000	244.86					35,000	244.86
Thomas G. Hughes:									
Portugal	Escudo	50,890	332.62					50,890	332.62
Michelle Maynard:									
Portugal	Escudo	64,390	420.85					64,390	420.85
Elizabeth Wilson:									
Portugal	Escudo	57,972	380.00					57,972	380.00
Senator Charles Robb:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Senator Claiborne Pell:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Edwin K. Hall:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Peter Cleveland:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
George A. Pickart:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		433.00						433.00
Cyprus	Pounds	71.91	153.00					71.91	153.00
Jay Ghazal:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Total			12,924.45		20,137.85				33,062.30

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 30, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel Bob:									
Thailand	Baht		700.00						700.00
United States	Dollar				901.00				901.00
Total			700.00		901.00				1,601.00

WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, May 1, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel S. Gelber:									
Japan	Yen	57,260	559.73					57,260	559.73
Japan	Yen						20.00		20.00
United States	Dollar				2,557.95				2,557.95
Total			559.73		2,557.95		20.00		3,137.68

TED STEVENS,
Chairman, Committee on Governmental Affairs, Apr. 30, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Melvin Dubee			449.00						449.00
Alfred Cumming			449.00						449.00
Randy Schieber			406.68						406.68
Christopher Straub			918.00		5,616.65				6,534.65
Don Mitchell			958.00		5,294.65				6,252.65
Mary Sturtevant			1,864.00		6,921.95				8,785.95
Christopher Mellon			1,864.00		6,921.95				8,785.95
Eric Silagy			1,874.00						1,874.00
Senator Arlen Specter			974.43						974.43
Charles Battaglia			1,081.94						1,081.94
Victoria Lee			1,033.94						1,033.94
Senator Richard Shelby			1,024.94						1,024.94
Senator J. Bennett Johnston			1,874.00						1,874.00
Gary Reese			1,874.00						1,874.00
Senator Mike DeWine			342.00						342.00
Senator Bob Graham			449.00						449.00
Senator Richard Bryan			418.68						418.68
Mark Heilbrun			367.00						367.00
Senator Larry Pressler			367.00						367.00
Total			18,589.61		24,755.20				43,344.81

ARLEN SPECTER,
Chairman, Select Committee on Intelligence, Apr. 23, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Germany	Mark	623.70	420.00					623.70	420.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JAN. 1 TO MAR. 31, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Germany	Mark	401.90	270.64					401.90	270.64
Randy Scheunemann:									
Germany	Mark	1,015.74	684.00					1,015.74	684.00
Mira Baratta:									
United States	Dollar				1,442.95				1,442.95
Croatia	Kuna	2,516.50	470.00					2,516.50	470.00
	Dollar				683.00				683.00
Bosnia	Dollar		477.00						477.00
Total			2,321.64		2.125.95				4,447.59

ROBERT J. DOLE,
Republican Leader, Apr. 17, 1996.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The text of the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, as passed by the Senate on May 2, 1996, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 2202) entitled ''An Act to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Immigration Control and Financial Responsibility Act of 1996''.

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; references in Act.
Sec. 2. Table of contents.

TITLE I—IMMIGRATION CONTROL

Subtitle A—Law Enforcement

Part 1—Additional Enforcement Personnel and Facilities

Sec. 101. Border Patrol agents.
Sec. 102. Investigators.
Sec. 103. Land border inspectors.
Sec. 104. Investigators of visa overstayers.
Sec. 105. Increased personnel levels for the Labor Department.
Sec. 106. Increase in INS detention facilities.
Sec. 107. Hiring and training standards.
Sec. 108. Construction of physical barriers, deployment of technology and improvements to roads in the border area near San Diego, California.
Sec. 109. Preserve law enforcement functions and capabilities in interior States.

Part 2—Verification of Eligibility to Work and to Receive Public Assistance

SUBPART A—DEVELOPMENT OF NEW VERIFICATION SYSTEM

Sec. 111. Establishment of new system.
Sec. 112. Demonstration projects.
Sec. 113. Comptroller General monitoring and reports.
Sec. 114. General nonpreemption of existing rights and remedies.
Sec. 115. Definitions.

SUBPART B—STRENGTHENING EXISTING VERIFICATION PROCEDURES

Sec. 116. Changes in list of acceptable employment-verification documents.
Sec. 117. Treatment of certain documentary practices as unfair immigration-related employment practices.
Sec. 118. Improvements in identification-related documents.
Sec. 119. Enhanced civil penalties if labor standards violations are present.
Sec. 120. Increased number of Assistant United States Attorneys to prosecute cases of unlawful employment of aliens or document fraud.
Sec. 120A. Subpoena authority for cases of unlawful employment of aliens or document fraud.
Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.
Sec. 120C. Nationwide fingerprinting of apprehended aliens.
Sec. 120D. Application of verification procedures to State agency referrals of employment.
Sec. 120E. Retention of verification form.

Part 3—Alien Smuggling; Document Fraud

Sec. 121. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 122. Additional coverage in RICO for offenses relating to alien smuggling and document fraud.
Sec. 123. Increased criminal penalties for alien smuggling.
Sec. 124. Admissibility of videotaped witness testimony.
Sec. 125. Expanded forfeiture for alien smuggling and document fraud.
Sec. 126. Criminal forfeiture for alien smuggling, unlawful employment of aliens, or document fraud.
Sec. 127. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 128. Criminal penalty for false statement in a document required under the immigration laws or knowingly presenting document which fails to contain reasonable basis in law or fact.
Sec. 129. New criminal penalties for failure to disclose role as preparer of false application for asylum or for preparing certain post-conviction applications.
Sec. 130. New document fraud offenses; new civil penalties for document fraud.
Sec. 131. Penalties for involuntary servitude.
Sec. 132. Exclusion relating to material support to terrorists.

Part 4—Exclusion and Deportation

Sec. 141. Special exclusion in extraordinary migration situations.
Sec. 142. Judicial review of orders of exclusion and deportation.
Sec. 143. Civil penalties and visa ineligibility, for failure to depart.
Sec. 144. Conduct of proceedings by electronic means.
Sec. 145. Subpoena authority.
Sec. 146. Language of deportation notice; right to counsel.
Sec. 147. Addition of nonimmigrant visas to types of visa denied for countries refusing to accept deported aliens.
Sec. 148. Authorization of special fund for costs of deportation.
Sec. 149. Pilot program to increase efficiency in removal of detained aliens.
Sec. 150. Limitations on relief from exclusion and deportation.
Sec. 151. Alien stowaways.
Sec. 152. Pilot program on interior repatriation and other methods to deter multiple unlawful entries.
Sec. 153. Pilot program on use of closed military bases for the detention of excludable or deportable aliens.
Sec. 154. Physical and mental examinations.
Sec. 155. Certification requirements for foreign health-care workers.
Sec. 156. Increased bar to reentry for aliens previously removed.
Sec. 157. Elimination of consulate shopping for visa overstays.
Sec. 158. Incitement as a basis for exclusion from the United States.
Sec. 159. Conforming amendment to withholding of deportation.

Part 5—Criminal Aliens

Sec. 161. Amended definition of aggravated felony.
Sec. 162. Ineligibility of aggravated felons for adjustment of status.
Sec. 163. Expeditious deportation creates no enforceable right for aggravated felons.
Sec. 164. Custody of aliens convicted of aggravated felonies.
Sec. 165. Judicial deportation.
Sec. 166. Stipulated exclusion or deportation.

Sec. 167. Deportation as a condition of probation.
Sec. 168. Annual report on criminal aliens.
Sec. 169. Undercover investigation authority.
Sec. 170. Prisoner transfer treaties.
Sec. 170A. Prisoner transfer treaties study.
Sec. 170B. Using alien for immoral purposes, filing requirement.
Sec. 170C. Technical corrections to Violent Crime Control Act and Technical Corrections Act.
Sec. 170D. Demonstration project for identification of illegal aliens in incarceration facility of Anaheim, California.

Part 6—Miscellaneous

Sec. 171. Immigration emergency provisions.
Sec. 172. Authority to determine visa processing procedures.
Sec. 173. Joint study of automated data collection.
Sec. 174. Automated entry-exit control system.
Sec. 175. Use of legalization and special agricultural worker information.
Sec. 176. Rescission of lawful permanent resident status.
Sec. 177. Communication between Federal, State, and local government agencies, and the Immigration and Naturalization Service.
Sec. 178. Authority to use volunteers.
Sec. 179. Authority to acquire Federal equipment for border.
Sec. 180. Limitation on legalization litigation.
Sec. 181. Limitation on adjustment of status.
Sec. 182. Report on detention space.
Sec. 183. Compensation of immigration judges.
Sec. 184. Acceptance of State services to carry out immigration enforcement.
Sec. 185. Alien witness cooperation.

Subtitle B—Other Control Measures

Part 1—Parole Authority

Sec. 191. Usable only on a case-by-case basis for humanitarian reasons or significant public benefit.
Sec. 192. Inclusion in worldwide level of family-sponsored immigrants.

Part 2—Asylum

Sec. 193. Time limitation on asylum claims.
Sec. 194. Limitation on work authorization for asylum applicants.
Sec. 195. Increased resources for reducing asylum application backlogs.

Part 3—Cuban Adjustment Act

Sec. 196. Repeal and exception.

Subtitle C—Effective Dates

Sec. 197. Effective dates.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

Sec. 201. Ineligibility of excludable, deportable, and nonimmigrant aliens.
Sec. 202. Definition of ''public charge'' for purposes of deportation.
Sec. 203. Requirements for sponsor's affidavit of support.
Sec. 204. Attribution of sponsor's income and resources to family-sponsored immigrants.
Sec. 205. Verification of student eligibility for postsecondary Federal student financial assistance.
Sec. 206. Authority of States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
Sec. 207. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
Sec. 208. State option under the medicaid program to place anti-fraud investigators in hospitals.
Sec. 209. Computation of targeted assistance.

Subtitle B—Miscellaneous Provisions

Sec. 211. Reimbursement of States and localities for emergency medical assistance for certain illegal aliens.
Sec. 212. Treatment of expenses subject to emergency medical services exception.
Sec. 213. Pilot programs.
Sec. 214. Use of public schools by nonimmigrant foreign students.
Sec. 215. Pilot program to collect information relating to nonimmigrant foreign students.
Sec. 216. False claims of United States citizenship.
Sec. 217. Voting by aliens.
Sec. 218. Exclusion grounds for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence.

SUBTITLE C—HOUSING ASSISTANCE

Sec. 221. Short title.
Sec. 222. Prorating of financial assistance.
Sec. 223. Actions in cases of termination of financial assistance.
Sec. 224. Verification of immigration status and eligibility for financial assistance.
Sec. 225. Prohibition of sanctions against entities making financial assistance eligibility determinations.
Sec. 226. Eligibility for public and assisted housing.
Sec. 227. Regulations.

SUBTITLE D—EFFECTIVE DATES

Sec. 231. Effective dates.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Changes regarding visa application process.
Sec. 302. Visa waiver program.
Sec. 303. Technical amendment.
Sec. 304. Criminal penalties for high speed flights from immigration checkpoints.
Sec. 305. Children born abroad to United States citizen mothers; transmission requirements.
Sec. 306. Fee for diversity immigrant lottery.
Sec. 307. Support of demonstration projects for naturalization ceremonies.
Sec. 308. Review of contracts with English and civics test entities.
Sec. 309. Designation of a United States customs administrative building.
Sec. 310. Waiver of foreign country residence requirement with respect to international medical graduates.
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Sec. 313. Appropriations for Criminal Alien Tracking Center.
Sec. 314. Border Patrol Museum.
Sec. 315. Pilot programs to permit bonding.
Sec. 316. Minimum State INS presence.
Sec. 317. Disqualification from attaining nonimmigrant or permanent residence status.
Sec. 318. Passports issued for children under 16.
Sec. 319. Exclusion of certain aliens from family unity program.
Sec. 320. To ensure appropriately stringent penalties for conspiring with or assisting an alien to commit an offense under the Controlled Substances Import and Export Act.
Sec. 321. Review and report on H–2A nonimmigrant workers program.
Sec. 322. Findings related to the role of interior Border Patrol stations.
Sec. 323. Administrative review of orders.
Sec. 324. Social Security Act.
Sec. 325. Housing and Community Development Act of 1980.
Sec. 326. Higher Education Act of 1965.
Sec. 327. Land acquisition authority.
Sec. 328. Services to family members of INS officers killed in the line of duty.
Sec. 329. Powers and duties of the Attorney General and the Commissioner.
Sec. 330. Preclearance authority.
Sec. 331. Confidentiality provision for certain alien battered spouses and children.
Sec. 332. Development of prototype of counterfeit-resistant Social Security card required.
Sec. 333. Report on allegations of harassment by Canadian customs agents.
Sec. 334. Sense of Congress on the discriminatory application of the New Brunswick Provincial Sales Tax.
Sec. 335. Female genital mutilation.

TITLE I—IMMIGRATION CONTROL

Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators

and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or based on receipt of credible material information, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

SEC. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds of $12,000,000 for the construction, expansion, improvement or deployment of triple-fencing in addition to that currently under construction, where such triple-fencing is determined by the Immigration and Naturalization Service (INS) to be safe and effective, and in addition, bollard style concrete columns, all weather roads, low light television systems, lighting, sensors and other technologies along the international land border between the United States and Mexico south of San Diego, California, for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended. The INS, while constructing the additional fencing, shall incorporate the necessary safety features into the design of the fence system to insure the well-being of Border Patrol agents deployed within or in near proximity to these additional barriers.

SEC. 109. PRESERVE LAW ENFORCEMENT FUNCTIONS AND CAPABILITIES IN INTERIOR STATES.

The Immigration and Naturalization Service shall, when deploying Border Patrol personnel from interior stations, coordinate with and act in conjunction with State and local law enforcement agencies to ensure that such redeployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project (if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the ''system''), subject to subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(B) submit to the Congress a report setting forth—

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), including estimates of—

(I) the proposed use of the system, on an industry-sector by industry-sector basis;

(II) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(III) the cost of the system;

(IV) the financial and administrative cost to employers;

(V) the reduction of undocumented workers in the United States labor force resulting from the system;

(VI) any unlawful discrimination caused by or facilitated by use of the system;

(VII) any privacy intrusions caused by misuse or abuse of system;

(VIII) the accuracy rate of the system; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(ii) the individual is claiming the identity of another person.

(B) Any document required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(i) must be in a form that is resistant to counterfeiting and to tampering; and

(ii) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(III) if the document was designed for another purposes (such as a license to drive a motor vehicle, a certificate of birth, or a social security account number card issued by the Administration), as required under law for such other purpose.

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for

Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(I) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(II) audit trails to monitor system use; or

(III) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(H) There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(i) the selective or unauthorized use of the system to verify eligibility;

(ii) the use of the system prior to an offer of employment;

(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants; or

(iv) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional verification will be required.

(2) As used in this subsection, the term ''business day'' means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term ''record'' means an item, collection, or grouping of information about an individual which—

(i) is created, maintained, or used by a Federal agency for the purpose of determining—

(I) the individual's authorization to work; or

(II) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) RESTRICTION ON USE OF DOCUMENTS.—If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION SYSTEM.—No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

(B) For purposes of this paragraph, the term ''legislative branch of the Federal Government'' includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—(A) If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project, except as provided in subparagraph (B).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term ''regional project'' means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term ''Administration'' means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term ''employment authorized alien'' means an alien who has been provided with an ''employment authorized'' endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term ''Service'' means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: ''The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.''.

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end ''or'';

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

''(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—''; and

(v) in clause (ii) (as redesignated)—

(I) by striking ''and'' at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting '', and''; and

(III) by adding at the end the following new subclause:

''(III) contains appropriate security features.''; and

(B) in subparagraph (C)—

(i) by inserting ''or'' after the ''semicolon'' at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking ''For purposes of paragraph (1), a'' and inserting ''A''; and

(2) by striking ''relating to the hiring of individuals'' and inserting the following: ''if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)''.

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local authorized custodian of record and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Federal agency designated by the President, after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) include but not be limited to—

(I) certification by the agency issuing the birth certificate, and

(II) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, for fraudulent purposes,

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services, in consultation with other agencies designated by the President, shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—(A) Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term ''birth certificate'' means a certificate of birth of—

(A) a person born in the United States, or

(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is registered in the United States.

(6) EFFECTIVE DATES.—

(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B).

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was, respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States, but not that the number appears on the card.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATES.—

(A) Except as otherwise provided in subparagraph (B) or (C), this subsection shall take effect on October 1, 2000.

(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, paragraphs (1) and (3) shall apply—

(I) during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

(II) beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

(C) Paragraph (4) shall take effect on October 1, 2006.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

''(10)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the employer has been found to have committed a willful violation or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(2) DOCUMENT FRAUD.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''.

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

''SECRETARY OF LABOR SUBPOENA AUTHORITY

''SEC. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 293 the following new item:

''Sec. 294. Secretary of Labor subpoena authority.''.

SEC. 120B. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) ESTABLISHMENT.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and

(2) assisting employers in complying with those laws.

(b) COMPOSITION.—The members of the task force shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The task force shall report annually to the Attorney General on its operations.

SEC. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program ''IDENT'', operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

''(6) STATE AGENCY REFERRALS.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.''.

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after ''must retain the form'' the following: ''(except in any case of disaster, act of God, or other event beyond the control of the person or entity)''.

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking ''or section 1992 (relating to wrecking trains)'' and inserting ''section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)'';

(2) by striking ''or'' at the end of paragraph (l);

(3) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(4) by inserting after paragraph (l) the following new paragraph:

''(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);''.

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''law of the United States,'';

(2) by inserting ''or'' at the end of clause (E); and

(3) by adding at the end the following: ''(F) any act, or conspiracy to commit any act, in violation of—

''(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

''(ii) section 274, 277, or 278 of the Immigration and Nationality Act.''.

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) IN GENERAL.—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(v)(I) engages in any conspiracy to commit any of the preceding acts, or

''(II) aids or abets the commission of any of the preceding acts,'';

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting ''or (v)(I)'' after ''(A)(i)'';

(B) in clause (ii), by striking ''or (iv)'' and inserting ''(iv), or (v)(II)'';

(C) in clause (iii), by striking ''or (iv)'' and inserting ''(iv), or (v)''; and

(D) in clause (iv), by striking ''or (iv)'' and inserting ''(iv), or (v)'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved'' and inserting ''for each alien in respect to whom a violation of this paragraph occurs''; and

(B) in the matter following subparagraph (B)(iii), by striking ''be fined'' and all that follows through the period and inserting the following: ''be fined under title 18, United States Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years.''; and

(4) by adding at the end the following new paragraph:

''(3) Any person who hires for employment an alien—

''(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

''(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.''.

(b) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or''.

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a) (1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

''(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.''.

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274(b) (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

''(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

''(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

''(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.'';

(2) in paragraph (2)—

(A) by striking ''conveyance'' both places it appears and inserting ''property''; and

(B) by striking ''is being used in'' and inserting ''is being used in, is facilitating, has facilitated, or was intended to facilitate'';

(3) in paragraph (3)—

(A) by inserting ''(A)'' immediately after ''(3)'', and

(B) by adding at the end the following:

''(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.'';

(4) in paragraphs (4) and (5), by striking ''a conveyance'' and ''conveyance'' each place such phrase or word appears and inserting ''property''; and

(5) in paragraph (4)—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

''(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

''(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

''(B) any property real or personal—

''(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

''(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.''.

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

''(b)(1)(A) An offense under subsection (a) that is—

''(i) the production or transfer of an identification document or false identification document that is or appears to be—

''(I) an identification document issued by or under the authority of the United States; or

''(II) a birth certificate, or a driver's license or personal identification card;

''(ii) the production or transfer of more than five identification documents or false identification documents; or

''(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

''(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

''(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

''(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

''(2) A person convicted of an offense under subsection (a) that is—

''(A) any other production or transfer of an identification document or false identification document; or

''(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

''(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

''(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

''(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

''(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.''.

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking be fined under this title, imprisoned not more than 10 years, or both.'' each place it appears and inserting the following:

'', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(3) Section 1546(a) of title 18, United States Code, is amended by striking ''be fined under this title, imprisoned not more than 10 years, or both.'' and inserting the following:

'', except as otherwise provided in this subsection, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking ''be fined not more than $5,000 or imprisoned not more than five years, or both'' each place it appears and inserting '', except as otherwise provided in this section, be—

''(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

''(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

''Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.''.

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

''Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—''.

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

''(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

''(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.''.

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(2) in paragraph (2), by inserting before the comma at the end the following: ''or to obtain a benefit under this Act'';

(3) in paragraph (3)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the comma at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking ''or'' at the end;

(4) in paragraph (4)—

(A) by inserting ''or with respect to'' after ''issued to'';

(B) by adding before the period at the end the following: ''or obtaining a benefit under this Act''; and

(C) by striking the period at the end and inserting '', or''; and

(5) by adding at the end the following new paragraphs:

''(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

''(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.''.

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

''(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.''.

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking ''each document used, accepted, or created and each instance of use, acceptance, or creation'' each place it appears and inserting ''each document that is the subject of a violation under subsection (a)''.

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8 U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

''(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.''.

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

''(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).''.

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act,

as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking ''five'' each place it appears and inserting ''10''.

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 132. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting ''documentation or'' before ''identification''.

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

''(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

''(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

(b) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking ''Subject to section 235(b)(1), deportation'' and inserting ''Deportation''; and

(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

SEC. 142. JUDICIAL REVIEW OF ORDERS OF EXCLUSION AND DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

''SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

''(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

''(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown. Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to exclude or deport an alien from the United States under title II of this Act shall be available only in the judicial review of a final order of exclusion or deportation under this section. If a petition filed under this section raises a Constitutional issue that the court of appeals finds presents a genuine issue of material fact that cannot be resolved on the basis of the administrative record, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides or is detained for a new hearing on the Constitutional claim as if the proceedings were originally initiated in district court. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure.

''(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

''(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

''(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

''(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

''(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

''(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

''(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

''(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

''(C) The petitioner may have the nationality claim decided only as provided in this section.

''(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

''(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

''(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

''(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

''(7) This subsection—

''(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

''(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

''(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

''(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

''(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

''(d) REVIEW OF FINAL ORDERS.—

''(1) A court may review a final order of exclusion or deportation only if—

''(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

''(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

''(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

''(f) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.''.

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting ''by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

''Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

''CIVIL PENALTIES FOR FAILURE TO DEPART

''SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

''(1) willfully fails or refuses to—

''(A) depart on time from the United States pursuant to the order;

''(B) make timely application in good faith for travel or other documents necessary for departure; or

''(C) present himself or herself for deportation at the time and place required by the Attorney General; or

''(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

''(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

''(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.''.

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

''(p)(1) Any lawfully admitted nonimmigrant who remains in the United States for more than

60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

''(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

''(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

''(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

''(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

''(3) The Attorney General shall by regulation establish procedures necessary to implement this section.''.

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

''Sec. 274D. Civil penalties for failure to depart.''.

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: ''Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.''.

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting ''issue subpoenas,'' after ''evidence,''.

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking ''under this subsection'' and all that follows through ''(B)'' and inserting ''under this subsection''.

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: '', except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242''.

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: ''(at no expense to the Government or unreasonable delay to the proceedings)''.

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.''.

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

''(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

''(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

''(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

''(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

''(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

''(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

''(5) This subsection shall apply only to an alien in proceedings under section 236.''.

(b) CANCELLATION OF DEPORTATION.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

''CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

''SEC. 244. (a) CANCELLATION OF DEPORTATION.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

''(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

''(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

''(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

''(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

''(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

''(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

''(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (B), or (D).

''(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

''(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

''(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

''(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

''(2) at the time of his or her enlistment or induction, was in the United States.

''(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

''(d) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) shall not apply to an alien who—

''(1) entered the United States as a crewman after June 30, 1964;

''(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

''(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

''(B) is subject to the two-year foreign residence requirement of section 212(e); and

''(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), has not fulfilled the requirements of section 214(k).

''(e) VOLUNTARY DEPARTURE.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

''(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

''(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

''(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

''(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

''(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

''(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

''(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

''(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

''(B) No court may review any regulation issued under subparagraph (A).

''(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.''.

(c) CONFORMING AMENDMENTS.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

(2) Section 242B (8 U.S.C. 1252b) is amended—

(A) in subsection (e)(2), by striking ''section 244(e)(1)'' and inserting ''section 244(e)''; and

(B) in subsection (e)(5)—

(i) by striking ''suspension of deportation'' and inserting ''cancellation of deportation''; and

(ii) by inserting ''244,'' before ''245''.

(d) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

''Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.''.

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

''(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.''.

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: '', or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right''; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: ''Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).''.

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

''(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

''(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

''(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

''(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

''(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

''(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

''(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.''.

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

''(h) DEFINITIONS.—As used in this section—

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

''(i) the alien's education, training, license, and experience—

''(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

''(II) are comparable with that required for an American health-care worker of the same type; and

''(III) are authentic and, in the case of a license, unencumbered;

''(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

''(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

''(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking ''(9)(A) of section 212(a)'' and inserting ''(10)(A) of section 212(a)''.

(2) Section 212(c) is amended by striking ''(9)(C)'' and inserting ''(10)(C)''.

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking ''one year'' and inserting ''five years''; and

(B) by inserting '', or within 20 years of the date of any second or subsequent deportation,'' after ''deportation'';

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

''(ii) has departed the United States while an order of deportation is outstanding,'';

(C) by striking ''or'' after ''removal,''; and

(D) by inserting ''or (c) who seeks admission within 20 years of a second or subsequent deportation or removal,'' after ''felony,''.

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

''(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter''.

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

''(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

''(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

''(B) where extraordinary circumstances are found by the Secretary of State to exist.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking ''or'' at the end of clause (i)(I);

(2) in clause (i)(II), by inserting ''or'' at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,''.

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

''(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

''(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

''(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.''.

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking ''$100,000'' and inserting ''$10,000'';

(2) in subparagraphs (F), (G), and (O), by striking ''is at least 5 years'' each place it appears and inserting ''at least one year'';

(3) in subparagraph (J)—

(A) by striking ''sentence of 5 years' imprisonment'' and inserting ''sentence of one year imprisonment''; and

(B) by striking ''offense described'' and inserting ''offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or'';

(4) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i);

(B) by adding ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.'';

(5) in subparagraph (L)—

(A) by striking ''or'' at the end of clause (i);

(B) by inserting ''or'' at the end of clause (ii); and

(C) by adding at the end the following new clause:

''(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)'';

(6) in subparagraph (M), by striking ''$200,000'' each place it appears and inserting ''$10,000'';

(7) in subparagraph (N)—

(A) by striking ''of title 18, United States Code''; and

(B) by striking ''for the purpose of commercial advantage'' and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(8) in subparagraph (O), by striking ''which constitutes'' and all that follows up to the semicolon at the end and inserting the following: '', except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

''(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

''(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;'' and

(11) in subparagraph (R) (as redesignated), by striking ''15'' and inserting ''5''.

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.''.

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

''(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

''(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.''.

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: ''No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.''.

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))'' and inserting ''sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)''.

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after ''unless'' the following: ''(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)''.

(b) CUSTODY UPON RELEASE FROM INCARCERATION.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

''(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.''.

(c) PERIOD IN WHICH TO EFFECT ALIEN'S DEPARTURE.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking ''(c)'' and inserting ''(c)(1)''; and

(B) by inserting ''(other than an alien described in paragraph (2))''; and

(2) by adding at the end the following new paragraphs:

''(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

''(i) the date of such order, or

''(ii) the alien's release from incarceration,

within which to effect the alien's departure from the United States.

''(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with

law enforcement authorities or for purposes of national security.

''(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.''.

(d) CRIMINAL PENALTY FOR UNLAWFUL REENTRY.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting ''(1)'' immediately after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.''.

(e) DEFINITION.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).''.

SEC. 165. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

''(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

''(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

''(C) who has at any time been convicted of a violation of section 275 (relating to entry of an alien at an improper time or place and to misrepresentation and concealment of facts); or

''(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act.''; and

(B) by adding at the end the following new paragraphs:

''(5) STATE COURT FINDING OF DEPORTABILITY.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

''(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

''(6) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.''.

(b) CONFORMING AMENDMENTS.—(1) Section 512 of the Immigration Act of 1990 is amended by striking ''242A(d)'' and inserting ''242A(c)''.

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking ''242A(d)'' and inserting ''242A(c)''.

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.''.

(b) APPREHENSION AND DEPORTATION.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' immediately after ''(b)'';

(3) by striking the sentence beginning with ''Except as provided in section 242A(d)'' and inserting the following:

''(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

''(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien.''; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) CONFORMING AMENDMENTS.—(1) Section 106(a) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(2) Section 212(a)(6)(B)(iv) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(3) Section 242(a)(1) is amended by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

(4) Section 242A(b)(1) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(6) Section 4113(a) of title 18, United States Code, is amended by striking ''section 1252(b)'' and inserting ''section 1252(b)(1)''.

(7) Section 1821(e) of title 28, United States Code, is amended by striking ''section 242(b) of such Act (8 U.S.C. 1252(b))'' and inserting ''section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))''.

(8) Section 242B(c)(1) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(9) Section 242B(e)(2)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(10) Section 242B(e)(5)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.''.

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading ''Miscellaneous'' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to

the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking ''alien'' each place it appears;

(B) by inserting after ''individual'' the first place it appears the following: '', knowing or in reckless disregard of the fact that the individual is an alien''; and

(C) by striking ''within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic'';

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking ''thirty'' and inserting ''five business''; and

(B) by striking ''within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,'';

(3) in the text following the third undesignated paragraph of subsection (a), by striking ''two'' and inserting ''10''; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting '', or for enforcement of the provisions of section 274A of the Immigration and Nationality Act''.

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) IN GENERAL.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement

Act of 1994; Public Law 103–322) is redesignated as subsection (j) of such section.

(b) CONFORMING AMENDMENT.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking ''section 245(i)'' and inserting ''section 245(j)''.

(c) DENIAL OF JUDICIAL ORDER.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking ''without a decision on the merits''.

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term ''illegal alien'' means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after ''paragraph (2)'' by striking ''and'' and inserting a comma,

(B) by striking ''State'' and inserting ''other Federal agencies and States'',

(C) by inserting '', and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States'' before ''except'', and

(D) by adding at the end the following new sentence: ''The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists.''; and

(2) in paragraph (2)(A)—

(A) by inserting ''to Federal agencies providing support to the Department of Justice or'' after ''available''; and

(B) by inserting a comma before ''whenever''.

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting ''or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response,'' after ''United States,'' the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: ''In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.''.

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting ''(A)'' after ''NONDISCRIMINATION.—''; and

(2) by adding at the end the following:

''(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.''.

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking ''except that the Attorney General'' and inserting the following: ''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and''.

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

''except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).''.

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting ''(1)'' immediately after ''(a)''; and

(2) by adding at the end the following new sentence: ''Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.''.

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

''(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period at the end the following: ''; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while

the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa''.

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as ''immigration judges'') under the Immigration Judge Schedule (designated as IJ–1, IJ–2, IJ–3, and IJ–4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	*70 percent of the next to highest rate of basic pay for the Senior Executive Service.*
IJ–2	*80 percent of the next to highest rate of basic pay for the Senior Executive Service.*
IJ–3	*90 percent of the next to highest rate of basic pay for the Senior Executive Service.*
IJ–4	*92 percent of the next to highest rate of basic pay for the Senior Executive Service.*

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

''(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

''(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

''(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

''(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

''(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

''(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

''(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

''(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

''(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

''(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

''(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.''.

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking ''100'' and inserting ''200''; and

(2) by striking ''25'' and inserting ''50''.

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking ''for emergent reasons or for reasons deemed strictly in the public interest'' and inserting ''on a case-by-case basis for urgent humanitarian reasons or significant public benefit''.

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

''(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus''; and

(2) by adding at the end the following new paragraphs:

''(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).''.

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

''(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).''.

PART 2—ASYLUM

SEC. 193. TIME LIMITATION ON ASYLUM CLAIMS.

(a) Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking ''The'' and inserting the following: ''(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

''(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.''.

(b) As used in this section, ''good cause'' may include, but is not limited to, circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were successful because of technical defects; efforts to seek asylum that were delayed

by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General.

SEC. 194. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

''(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

''(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.''.

SEC. 195. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsection (b) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 196. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89–732, as amended, is hereby repealed.

(b) Notwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

Subtitle C—Effective Dates

SEC. 197. EFFECTIVE DATES.

Except as otherwise provided in this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

(v) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vi) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except—

''(i) if the alien is a nonimmigrant alien authorized to work in the United States—

''(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

''(II) any contract provided or funded by such an agency or entity; or

''(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.''.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, except elementary or secondary education, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—(1) Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

''Limitation on Payments to Aliens

''(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

''(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.''.

(2) Nothing in this subsection (c) shall affect any obligation or liability of any individual or employer under title 21 of subtitle C of the Internal Revenue Code.

(3) No more than eighteen months following enactment of this Act, the Comptroller General is directed to conduct and complete a study of whether, and to what extent, individuals who are not authorized to work in the United States are qualifying for Old Age, Survivors, and Disability Insurance (OASDI) benefits based on their earnings record.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance

program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except—

(i) if the alien is a nonimmigrant alien authorized to work in the United States—

(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

(II) any contract provided or funded by such an agency or entity; or

(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (E), any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable for a period of five years after the immigrant last receives a benefit during the public charge period under any of the programs described in subparagraph (D).

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

''(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

''(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

''(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

''(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

''(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

''(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

''(i) The aid to families with dependent children program under title IV of the Social Security Act.

''(ii) The medicaid program under title XIX of the Social Security Act.

''(iii) The food stamp program under the Food Stamp Act of 1977.

''(iv) The supplemental security income program under title XVI of the Social Security Act.

''(v) Any State general assistance program.

''(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996 or any student assistance received or approved for receipt under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted until the matriculation of their education.

''(E) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

''(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.pursuant to clause (i) of section 204(a)(1)(B) of such Act.''.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is deportable under section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is deportable under section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—(1) No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(A) which is legally enforceable against the sponsor by the sponsored individual, by the Federal Government, and by any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) which provides any benefit described in section 241(a)(5)(D), but not later than 10 years after the sponsored individual last receives any such benefit;

(B) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters; and

(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(2) In determining the number of qualifying quarters for which a sponsored individual has worked for purposes of paragraph (1)(B), an individual not meeting the requirements of subparagraphs (A) or (C) of subsection (f)(3) for any quarter shall be treated as meeting such requirements if—

(A) their spouse met such requirements for such quarter and they filed a joint income tax return covering such quarter; or

(B) the individual who claimed such individual as a dependent on an income tax return covering such quarter met such requirements for such quarter.

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term ''appropriate court'' means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, except as provided in section 204(f), be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in clause (iv) or (vi) of section 201(a)(1)(A).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a

State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(f) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—Notwithstanding any other provision of law, subsection (a) shall not apply—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"§ 506. Seals of departments or agencies

''(a) Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

''(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

''(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

''(1) so forged, counterfeited, mutilated, or altered;

''(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

''(c) For purposes of this section—

''(1) the term 'Federal benefit' means—

''(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

''(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

''(2) the term 'unlawful alien' means an individual who is not—

''(A) a United States citizen or national;

''(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

''(C) an alien granted asylum under section 208 of such Act;

''(D) a refugee admitted under section 207 of such Act;

''(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

''(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

''(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.''.

SEC. 208. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting ''; and''; and

(3) by adding after paragraph (62) the following new paragraph:

''(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.''.

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking ''plus'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; plus''; and

(3) by adding at the end the following new paragraph:

''(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 209. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) REIMBURSEMENT.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) STATUTORY CONSTRUCTION.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading '' Immigration and Naturalization Service, Salaries and Expenses'' of Public Law 103–121, the Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) AUTOMATED PERMIT PILOT PROJECTS.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT 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 nonimmigrant 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.''.

(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 pursing such a course of study, or (II) the school waives such reimbursement), is deportable.''.

(d) EFFECTIVE DATE.—This section shall become effective 1 day after the date of enactment.

SEC. 215. 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 nonimmigrant 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)).

SEC. 216. FALSE CLAIMS OF UNITED STATES CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED UNITED STATES 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.''.

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED UNITED STATES 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.''.

SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

''§ 611. Voting by aliens

''(a) It shall by unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

''(1) the election is held partly for some other purpose;

''(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

''(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.

''(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both.''.

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

''(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.''.

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

''(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.''.

SEC. 218. EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) EFFECTIVE DATE.—This section will become effective one day after the date of enactment of the Act.

Subtitle C—Housing Assistance

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''Use of Assisted Housing by Aliens Act of 1996''.

SEC. 222. PRORATING OF FINANCIAL ASSISTANCE.

Section 214(b) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(b)) is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the ineligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the Secretary of Housing and Urban Development shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.''.

SEC. 223. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''may, in its discretion,'' and inserting ''shall'';

(2) in subparagraph (A), by adding at the end the following: ''Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis, under which the amount of financial assistance is based on the percentage of the total number of members of the family that are eligible for that assistance under the program of financial assistance and under this section.''; and

(3) in subparagraph (B)—

(A) by striking ''6-month period'' and all that follows through the end of the subparagraph and inserting ''single 3-month period.'';

(B) by inserting ''(i)'' after ''(B)'';

(C) by striking ''Any deferral'' and inserting the following:

''(ii) Except as provided in clause (iii) and subject to clause (iv), any deferral''; and

(D) by adding at the end the following new clauses:

''(iii) The time period described in clause (ii) shall not apply in the case of a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum under section 208 of that Act.

''(iv) The time period described in clause (ii) shall be extended for a period of 1 month in the case of any individual who is provided, upon request, with a hearing under this section.''.

SEC. 224. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''or to be'' after ''being'';

(2) in paragraph (1)(A), by adding at the end the following: ''If the declaration states that the individual is not a citizen or national of the United States and that the individual is younger than 62 years of age, the declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary of Housing and Urban Development, or the agency administering assistance covered by this section, may request verification of the declaration by requiring presentation of documentation that the Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation.'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''on the date of the enactment of the Housing and Community Development Act of 1987'' and inserting ''on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date''; and

(B) by adding at the end the following:

''In the case of an individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, the Secretary may not provide any such assistance for the benefit of that individual before documentation is presented and verified under paragraph (3) or (4).'';

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''on the date of the enactment of the Housing and Community Development Act of 1987'' and inserting ''on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date'';

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting '', not to exceed 30 days,'' after ''reasonable opportunity''; and

(II) by striking ''and'' at the end; and

(ii) by striking clause (ii) and inserting the following:

''(ii) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and

''(iii) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not deny the application for such assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and''; and

(C) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) pending such verification or appeal, the Secretary may not—

''(I) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual; and

''(II) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, deny the application for such assistance on the basis of the immigration status of that individual; and'';

(5) in paragraph (5), by striking ''status—'' and all that follows through the end of the paragraph and inserting the following: ''status, the Secretary shall—

''(A) deny the application of that individual for financial assistance or terminate the eligibility of that individual for financial assistance, as applicable; and

''(B) provide to the individual written notice of the determination under this paragraph and the right to a fair hearing process.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to reside in the public or assisted housing unit of the individual. This provision shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.''.

SEC. 225. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)) is amended—

(1) in paragraph (2), by adding ''or'' at the end;

(2) in paragraph (3), by adding at the end the following: ''the response from the Immigration and Naturalization Service to the appeal of that individual.''; and

(3) by striking paragraph (4).

SEC. 226. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsection:

''(h) VERIFICATION OF ELIGIBILITY.—

''(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

''(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

''(A) may elect not to comply with this section; and

''(B) in complying with this section—

''(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

''(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

''(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

''(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term 'eligibility' means the eligibility of each family member.''.

SEC. 227. REGULATIONS.

(a) ISSUANCE.—Not later than the 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the date specified in that subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN–2501–AA63 (Docket No. R–95–1409; FR–2383–F–050), published in the Federal Register on March 20, 1995 (Vol. 60, No. 53; pp. 14824–14861), shall not apply after that date.

Subtitle D—Effective Dates

SEC. 231. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) or as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) BENEFITS.—The provisions of sections 201 and 204 shall apply to benefits and to applications for benefits received on or after the date of the enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CHANGES REGARDING VISA APPLICATION PROCESS.

(a) NONIMMIGRANT APPLICATIONS.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by striking all that follows after ''United States;'' through ''marital status;''; and

(2) by adding at the end thereof the following: ''At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.''.

(b) DISPOSITION OF APPLICATIONS.—Section 222(e) (8 U.S.C. 1202(e)) is amended—

(1) in the first sentence, by striking ''required by this section'' and inserting ''for an immigrant visa''; and

(2) in the third sentence—

(A) by inserting ''or other document'' after ''stamp,''; and

(B) by striking ''by the consular officer''.

SEC. 302. VISA WAIVER PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 217(f) (8 U.S.C. 1187(f)) is amended by striking ''1996'' and inserting ''1998''.

(b) REPEAL OF PROBATIONARY PROGRAM.—(1) Section 217(g) (8 U.S.C. 1187(g)) is repealed.

(2) A country designated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act (as in effect prior to the date of enactment of this Act) shall be subject to paragraphs (3) and (4) of that subsection as if such paragraphs were not repealed.

(c) DURATION AND TERMINATION OF DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217, as amended by this section, is further amended by adding at the end the following:

''(g) DURATION AND TERMINATION OF DESIGNATION.—

''(1) PROGRAM COUNTRIES.—(A) Upon determination by the Attorney General that a visa waiver program country's disqualification rate is 2 percent or more, the Attorney General shall notify the Secretary of State.

''(B) If the program country's disqualification rate is greater than 2 percent but less than 3.5 percent, the Attorney General and the Secretary of State shall place the program country in probationary status for a period not to exceed 3 full fiscal years following the year in which the designation of the country as a pilot program country is made.

''(C) If the program country's disqualification rate is 3.5 percent or more, the Attorney General and the Secretary of State, acting jointly, shall terminate the country's designation effective at the beginning of the second fiscal year following the fiscal year in which the determination is made.

''(2) END OF PROBATIONARY STATUS.—(A) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that the program country's disqualification rate is less than 2 percent, they shall redesignate the country as a program country.

''(B) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that a visa waiver country has—

''(i) failed to develop a machine readable passport program as required by subparagraph (C) of subsection (c)(2), or

''(ii) has a disqualification rate of 2 percent or more,

then the Attorney General and the Secretary of State shall jointly terminate the designation of the country as a visa waiver program country, effective at the beginning of the first fiscal year following the fiscal year in which in the determination is made.

''(3) DISCRETIONARY TERMINATION.—Notwithstanding any other provision of this section, the Attorney General and the Secretary of State, acting jointly, may for any reason (including national security or failure to meet any other requirement of this section), at any time, rescind any waiver under subsection (a) or terminate any designation under subsection (c), effective upon such date as they shall jointly determine.

''(4) EFFECTIVE DATE OF TERMINATION.—Nationals of a country whose eligibility for the program is terminated by the Attorney General and the Secretary of State, acting jointly, may continue to have paragraph (7)(B)(i)(II) of section 212(a) waived, as authorized by subsection (a), until the country's termination of designation becomes effective as provided in this subsection.

''(5) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (1)(C) and (3) shall not apply unless the total number of nationals of a designated country, as described in paragraph (6)(A), is in excess of 100.

''(6) DEFINITION.—For purposes of this subsection, the term 'disqualification rate' means the ratio of—

''(A) the total number of nationals of the visa waiver program country—

''(i) who were excluded from admission or withdrew their application for admission during the most recent fiscal year for which data is available, and

''(ii) who were admitted as nonimmigrant visitors during such fiscal year and who violated the terms of such admission, to

''(B) the total number of nationals of that country who applied for admission as nonimmigrant visitors during such fiscal year.''.

SEC. 303. TECHNICAL AMENDMENT.

Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by inserting a ''comma'' after ''(4) thereof)''.

SEC. 304. CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM IMMIGRATION CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

''§ 758. High speed flight from immigration checkpoint

''(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.''.

(c) GROUNDS FOR DEPORTATION.—Section 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)) of title 8, United States Code, is amended by inserting the following new subsection:

''(v) HIGH SPEED FLIGHT.—Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35) is deportable.''.

SEC. 305. CHILDREN BORN ABROAD TO UNITED STATES CITIZEN MOTHERS; TRANSMISSION REQUIREMENTS.

(a) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT TECHNICAL CORRECTIONS ACT OF 1994.—Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended to read as follows:

''(d) APPLICABILITY OF TRANSMISSION REQUIREMENTS.—Notwithstanding this section and the amendments made by this section, any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States citizenship shall apply to any person whose claim of citizenship is based on the amendment made by subsection (a), and to any person through whom such a claim of citizenship is derived.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be deemed to have become effective as of the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 306. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each immigrant issued a visa under subsection (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)). Such fee may be set at a level so as to cover the full cost to the Department of State of administering that subsection, including the cost of processing all applications thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section.

SEC. 307. SUPPORT OF DEMONSTRATION PROJECTS FOR NATURALIZATION CEREMONIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term ''State'' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 308. REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

SEC. 309. DESIGNATION OF A UNITED STATES CUSTOMS ADMINISTRATIVE BUILDING.

(a) DESIGNATION.—The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the ''Timothy C. McCaghren Customs Administrative Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Timothy C. McCaghren Customs Administrative Building''.

SEC. 310. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''June 1, 1996'' and inserting ''June 1, 2002''.

(b) CONDITIONS ON FEDERALLY REQUESTED WAIVERS.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1184(e)) is amended by inserting after ''except that in the case of a waiver requested by a State Department of Public Health or its equivalent'' the following: ''or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii)''.

(c) RESTRICTIONS ON FEDERALLY REQUESTED WAIVERS.—Section 214(k) (8 U.S.C. 1184(k)) is amended to read as follows:

''(k)(1) In the case of a request by an interested State agency or by an interested United States Government agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

''(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver; and

''(B)(i) in the case of a request by an interested State agency—

''(I) the alien demonstrates a bona fide offer of full-time employment, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

''(II) the alien's employment continues to benefit the public interest; or

''(ii) in the case of a request by an interested United States Government agency—

''(I) the alien demonstrates a bona fide offer of full-time employment that has been found to be in the public interest, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

''(II) the alien's employment continues to benefit the public interest;

''(C) in the case of a request by an interested State agency, the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than three years only in the geographic area or areas which are designated by

the Secretary of Health and Human Services as having a shortage of health care professionals; and

''(D) in the case of a request by an interested State agency, the grant of such a waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 20.

''(2)(A) Notwithstanding section 248(2) the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

''(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of the contract with the health facility or organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

''(3) Notwithstanding any other provisions of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien in clause (iii) of that section who has not otherwise been accorded status under section 101(a)(27)(H)—

''(A) in the case of a request by an interested State agency, if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C); and

''(B) in the case of a request by an interested United States Government agency, if at any time the alien engages in employment for a health facility or organization not named in the waiver application.''.

SEC. 311. CONTINUED VALIDITY OF LABOR CERTIFICATIONS AND PETITIONS FOR PROFESSIONAL ATHLETES.

(a) LABOR CERTIFICATION.—Section 212(a)(5) is amended by adding at the end the following:

''(D) PROFESSIONAL ATHLETES.—The labor certification received for a professional athlete shall remain valid for that athlete after the athlete changes employer if the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of this subparagraph, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the forgoing leagues.''.

(b) PETITIONS.—Section 204(a)(1)(D) is amended by adding at the end the following new sentences: ''A petition for a professional athlete will remain valid for that athlete after the athlete changes employers provided that the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of the preceding sentence, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the foregoing leagues.''.

SEC. 312. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial ''mail-order bride'' business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as eight percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term ''international matchmaking organization'' means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term ''recruit'' means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

SEC. 313. APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting ''and'' after ''1996;'', and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

''(2) $5,000,000 for each of fiscal years 1997 through 2001.''.

SEC. 314. BORDER PATROL MUSEUM

(a) AUTHORITY.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas, such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under subsection (a).

SEC. 315. PILOT PROGRAMS TO PERMIT BONDING.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 INS district offices (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to require aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits for the alien and the alien's dependents under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die. Suit on any such bonds may be brought under the terms and conditions set forth in section 213 of the Immigration and Nationality Act.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including—

(1) criteria and procedures for—

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's dependents for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) ANNUAL REPORTING REQUIREMENT.—The Attorney General shall report annually to Congress on the effectiveness of the pilot program, once within 9 months and again within 1 year and 9 months after the pilot program begins operating.

(e) SUNSET.—The pilot program shall sunset after 2 years of operation.

SEC. 316. MINIMUM STATE INS PRESENCE.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

''(e) The Attorney General shall ensure that no State is allocated fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the enforcement, examinations, and inspections functions of the Service for the purposes of effective enforcement of the Immigration and Nationality Act.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 317. DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

''(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of United States citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.''.

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subparagraph:

''(G) Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.''.

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or (5)'' and inserting ''(5)''; and

(2) by inserting before the period the following: ''or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending''.

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

''(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

SEC. 318. PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and insert ''(a) IN GENERAL.—Before'', and

(2) by adding at the end the following new subsection:

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of enactment of this Act.

SEC. 319. EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

''(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

''(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

''(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

''(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

''(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

''(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.''.

SEC. 320. TO ENSURE APPROPRIATELY STRINGENT PENALTIES FOR CONSPIRING WITH OR ASSISTING AN ALIEN TO COMMIT AN OFFENSE UNDER THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) Not later than 6 months following enactment of this Act, the United States Sentencing Commission shall conduct a review of the guidelines applicable to an offender who conspires with, or aids or abets, a person who is not a citizen or national of the United States in committing any offense under section 1010 of the Controlled Substance Import and Export Act (21 U.S.C. 960).

(b) Following such review, pursuant to section 994(p) of title 28, United States Code, the Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to ensure an appropriately stringent sentence for such offenders.

SEC. 321. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term ''Comptroller General'' means the Comptroller General of the United States; and

(2) the term ''H–2A nonimmigrant worker program'' means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

SEC. 322. FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the Federal Government approximately $12,000,000.

(5) The cost to the Federal Government of hiring new criminal investigators and other personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendation of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the United States Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a permanent redeployment of Border Patrol agents from interior stations is not the most

cost-effective way to meet enforcement needs along the Southwest border, and should only be done where new Border Patrol agents cannot practicably be assigned to meet enforcement needs along the Southwest border; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

SEC. 323. ADMINISTRATIVE REVIEW OF ORDERS.

(a) Section 274A(e)(7) is amended by striking the phrase '', within 30 days,''.

(b) Section 274C(d)(4) is amended by striking the phrase '', within 30 days,''.

SEC. 324. SOCIAL SECURITY ACT.

Section 1173(d)(4)(B)) of the Social Security Act (42 U.S.C. 1320b–7(d)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

''(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. 325. HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980.

Section 214(d)(4)(B) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

''(i) the Secretary shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. 326. HIGHER EDUCATION ACT OF 1965.

Section 484(g)(B) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

''(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,''.

SEC. 327. LAND ACQUISITION AUTHORITY.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e) accordingly, and inserting the following new subsection (b):

''(b)(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

''(2) The Attorney General may contract for or buy any interest in land identified pursuant to subsection (a) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

''(3) When the Attorney General and the lawful owner of an interest identified pursuant to subsection (a) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to section 257 of title 40, United States Code.

''(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to subsection (a).''.

SEC. 328. SERVICES TO FAMILY MEMBERS OF INS OFFICERS KILLED IN THE LINE OF DUTY.

SEC. 294. [8 U.S.C. 1364]—TRANSPORTATION OF THE REMAINS OF IMMIGRATION OFFICERS AND BORDER PATROL AGENTS KILLED IN THE LINE OF DUTY.

(a) Nothwithstanding any other provision of law, the Attorney General may expend appropriated funds to pay for—

(1) the transportation of the remains of any Immigration Officer or Border Patrol agent killed in the line of duty to a place of burial located in the United States, the Commonwealth of Puerto Rico, or the territories and possessions of the United States;

(2) the transportation of the decedent's spouse and minor children to and from the same site at rates no greater than those established for official government travel; and

(3) any other memorial service sanctioned by the Department of Justice.

(b) The Department of Justice may prepay the costs of any transportation authorized by this section.

SEC. 329. POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (a) by adding the following after the last sentence of that subsection:

''The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under intergovernmental service agreements with State or local units of government. The Attorney General, in support of persons in administrative detention in non-Federal institutions, is further authorized to enter into cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for persons detained by the Immigration and Naturalization Service.''.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (b) by adding the following:

''The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws of the United States.''.

SEC. 330. PRECLEARANCE AUTHORITY.

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. 1103(a)) is amended by adding at the end the following:

''After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers.''.

SEC. 331. CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to section 150(b)(C) of this Act and except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

SEC. 332. DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the ''Commissioner'') shall in accordance with the provisions of this section develop a prototype of a counterfeit-resistant social security card. Such prototype card shall—

(A) be made of a durable, tamper-resistant material such as plastic or polyester,

(B) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(C) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.—The Attorney General of the United States shall provide such information and assistance as the Commissioner deems necessary to achieve the purposes of this section.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Commissioner shall conduct a study and issue a report to Congress which examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDY.—The study shall include an evaluation of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3, 5, and 10 year period. The study shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3, 5, and 10 year phase-in options.

(3) DISTRIBUTION OF REPORT.—Copies of the report described in this subsection along with a facsimile of the prototype card as described in subsection (a) shall be submitted to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate within 1 year of the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as may be necessary to carry out the purposes of this section.

SEC. 333. REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service

shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and Federal Governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the United States Government can take to help end harassment by Canadian Customs agents found to have occurred.

SEC. 334. SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11 percent New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to United States businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7 percent tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the United States-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the United States Trade Representative (USTR) publicly stated an intention to seek redress from the discriminatory application of the PST under the dispute resolution process in chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States raises questions about the possible violation of the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on United States-Canada cross-border trade.

SEC. 335. FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

ORDERS FOR TUESDAY, MAY 7, 1996

Mr. DOLE. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. on Tuesday, May 7; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business until the hour of 10:30 a.m., with Senators to speak for up to 5 minutes each with the following Senators to speak for the designated times: Senator HUTCHISON, 60 minutes; Senator MURKOWSKI, 15 minutes; Senator BURNS, 5 minutes.

I further ask that immediately following morning business, the Senate resume consideration of H.R. 2937.

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

Mr. DOLE. Mr. President, I ask unanimous consent the Senate stand in recess between the hours of 12:30 and 2:15 p.m. tomorrow for the weekly policy conferences to meet.

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

PROGRAM

Mr. DOLE. Mr. President, for the information of all of my colleagues, we will resume consideration of the White House Travel Office legislation tomorrow morning. There will be a cloture vote at 2:15 on that measure, and under the rules of cloture, second-degree amendments must be filed with the clerk by 12:30 on Tuesday. It is hoped the Senate could dispose of the White House Travel Office bill by the close of business Tuesday. Rollcall votes could therefore be expected throughout Tuesday's session of the Senate.

As I understand it, there really is no objection to the underlying bill, the travel office bill, the reimbursement to Billy Dale and others, and there should not be any objection. I guess the objection is we filled up the tree, so to speak, and other additional amendments cannot be offered.

Tomorrow I will submit to the Democratic leader, my colleague, Senator DASCHLE, a proposal on gas tax. Tomorrow is tax freedom day. It will be a great day to send a message, a small message but a message to the American taxpayers that we are going to relieve at least some of their burden. It is about a $5 billion per year burden, a 4.3-cent gas tax which was made permanent in 1993 in the Clinton tax increase bill, which amounted to $265 billion. So we hope we might get consent to take up the gas tax, attach it to the taxpayers bill of rights, which is pending at the desk, pass it with one amendment, send it to the House and the House will take action.

We are now working on how we pay for the repeal of the tax. Obviously we want to pay for it. We are not going to add to the deficit. I will visit with the Democratic leader about that tomorrow and also offer a proposal on minimum wage, where we might take up the minimum wage, under what conditions, so that we might proceed with the business of the Senate and not have to file cloture on every bill.

I know the Democrats feel strongly about their issues. We feel strongly

about some of ours. So, hopefully, we can resolve these by agreement. If not, we will just have to see what happens.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:53 p.m, adjourned until Tuesday, May 7, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate on May 6, 1996:

DEPARTMENT OF STATE

JOHN F. HICKS, SR., OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

ALAN R. MCKEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

ARLENE RENDER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

STANLEY N. SCHRAGER, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIUBOUTI.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL

To be lieutenant colonel

WAYNE E. ANDERSON, 000–00–0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE RESERVE OF THE ARMY, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203(A), 12204(A), 3353, AND 3359.

DENTAL CORPS

To be lieutenant colonel

TIMOTHY J. COEN, 000–00–0000
RANDY J. EBERLY, 000–00–0000
JOEL C. KNUTSON, 000–00–0000
REGINALD J. LANKFORD, 000–00–0000
VICTORIA L. SEARCY, 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

MARIO H. ALVARADO, 000–00–0000
HERMAN V. DEVERA, 000–00–0000
MICHAEL F. LYONS II, 000–00–0000
EDWINA J. POPEK, 000–00–0000

VETERINARY CORPS

To be lieutenant colonel

RONALD E. BANKS, 000–00–0000

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

MEDICAL SERVICE CORPS

GARY F. ATKINS, 000–00–0000
THOMAS M. BAILEY, 000–00–0000
LOUIE M. BANKS III, 000–00–0000
STEPHEN T. BECK, 000–00–0000
MARSHA L. BLOODWORTH, 000–00–0000
RICHARD L. BOND, 000–00–0000
*FRED H. BROWN, 000–00–0000
JOHN J. CIESLA, 000–00–0000
ANDRE D. CLARK, 000–00–0000
JAY M. CLARK, 000–00–0000
DAVID J. COREY, 000–00–0000
DAVID W. CRAFT, 000–00–0000
JAMES B. CROWTHER, 000–00–0000
CARL A. CURLING, 000–00–0000
GREGORY C. DEMPSEY, 000–00–0000
SHERMAN A. DUNLOW, 000–00–0000
VICTOR EILENFIELD, 000–00–0000
RONALD E. ESKEW, 000–00–0000
WILLIAM D. EVANS, 000–00–0000
JOHN J. FELICIO, 000–00–0000
DEBRA D. FRANCO, 000–00–0000
WILLIAM R. FRY, 000–00–0000
FREDERICK GARGIULO, 000–00–0000
JOHNNY C. GARNETT, 000–00–0000
DEBORAH GILBERTSON, 000–00–0000
MICHAEL GOODWIN, 000–00–0000
JAMES E. GORDON, 000–00–0000
JOHN D. GRABENSTEIN, 000–00–0000
MAX GROGL, 000–00–0000
MICHAEL C. GUNN, 000–00–0000
DALE A. HAAK, 000–00–0000
ISIAH M. HARPER, 000–00–0000
CHARLES M. HARRIS, 000–00–0000
HERMAN HARRIS JR., 000–00–0000
DONALD L. HARRISON, 000–00–0000
BILLY W. HAYDON, 000–00–0000
DAVID R. HEIER, 000–00–0000
SCOTT HENDRICKSON, 000–00–0000
EVERETTE J. HORNE, 000–00–0000
CHARLES C. HUME, 000–00–0000
CARL G. JACKA II, 000–00–0000
*LARRY C. JAMES, 000–00–0000
DAVID E. JONES, 000–00–0000
CHARLES S. KELLER, 000–00–0000
PAULINE KNAPP, 000–00–0000
ARTHUR P. LEE, 000–00–0000
JED S. LEWIS, 000–00–0000
*MARK S. LUND, 000–00–0000
WILLIAM P. MAHR, 000–00–0000
POLLYANN MARCIESKI, 000–00–0000
SCOTT C. MARTIN, 000–00–0000
BRIAN E. MAVES, 000–00–0000
JANICE E. MCCREARYWATSON, 000–00–0000
ROBERT H. MINNICK, 000–00–0000
KEVIN P. MONAHAN, 000–00–0000
WENDELL A. MOORE, 000–00–0000
THOMAS G. MUNDIE, 000–00–0000
CINDY K. MUSSELL, 000–00–0000
*JEFFREY T. NORTON, 000–00–0000
*CHARLES E. OLIVER, 000–00–0000
ROBERT W. PIPKIN, 000–00–0000
DAVID H. PRATT, 000–00–0000
REGINALD L. PUGH, 000–00–0000
BEDE V. RAMCHARAN, 000–00–0000
JOYCE M. RICE, 000–00–0000
*WILLIAM H. RIVARD, 000–00–0000
PATRICIA A. RUIZWIGGER, 000–00–0000
MARK A. SEYMOUR, 000–00–0000
*THOMAS C. SHANK, 000–00–0000
*JEFFREY J. SIKORSKI, 000–00–0000
DARYL L. SPENCER, 000–00–0000
KIM C. STRUNZ, 000–00–0000
HEATHER N. TYREMAN, 000–00–0000
KENNETH WADE, 000–00–0000
FREDERIC J. WATKE, 000–00–0000
LINWOOD WENTWORTH, 000–00–0000
DONALD L. WESTON, 000–00–0000
STEPHEN WILKINSON, 000–00–0000
DEBRA A. ZANKL, 000–00–0000

To be lieutenant colonel

MEDICAL SPECIALIST CORPS

JOHN P. BURDISH, 000–00–0000
*LEONARD I. CANCIO, 000–00–0000
LAURA H. KOSTNER, 000–00–0000
MARY E. LAEDTKE, 000–00–0000
*MARY S. LOPEZ, 000–00–0000
JOAN M. LYON, 000–00–0000
LANG T. PHAM, 000–00–0000
DEBORAH M. STETTS, 000–00–0000
*WILLIAM L. TOZIER, 000–00–0000
KATHLEEN S. ZURAWEL, 000–00–0000

To be lieutenant colonel

VETERINARY CORPS

RICHARD A. HARRIS, 000–00–0000
*ALAN D. KING, 000–00–0000
KEARY M. KRAUSE, 000–00–0000
*MICHALLE C. MAGEE, 000–00–0000
DONALD A. MCLEAN, 000–00–0000
JEFFREY E. MELANDER, 000–00–0000
*ROGER W. PARKER, 000–00–0000
JOHN P. SKVORAK, 000–00–0000
JAMES R. SWEARENGEN, 000–00–0000
CLIFFORD L. WALKER, 000–00–0000
JACK M. WEDAM, 000–00–0000

To be lieutenant colonel

NURSE CORPS

MELINDA E. BALDRIDGE, 000–00–0000
*MARIA T. BRYANT, 000–00–0000
*DEBORAH J. CANNON, 000–00–0000
DAVID L. CARDEN, 000–00–0000
SUSANNE J. CLARK, 000–00–0000
TIMOTHY A. COFFEY, 000–00–0000
BEVERLY A. CORNETT, 000–00–0000
MICHAEL H. CUSTER, 000–00–0000
*DONNA S. DAMPIER, 000–00–0000
ANGELIA E. DURRANCE, 000–00–0000
JULIE M. ELDRED, 000–00–0000
AMY M. ERTTER, 000–00–0000
JOHN M. FIERRO, 000–00–0000
BETH B. FOLEY, 000–00–0000
GAIL E. FORD, 000–00–0000
LEANA A. FOXJOHNSON, 000–00–0000
DARLENE M. GILCREAST, 000–00–0000
VINCENT E. GILDDEN, 000–00–0000
GREGORY P. GRANT, 000–00–0000
DARRELL L. GREENE, 000–00–0000
LINDA M. GROETKEN, 000–00–0000
JEANETTE C. HAMMOND, 000–00–0000
*MARY D. HARDY, 000–00–0000
*VANESSA C. HETMANSKY, 000–00–0000
*ELIZABETH E. HILL, 000–00–0000
AWILDA V. HOLLAND, 000–00–0000
*BRENDA D. HOLLMANALBERTIUS, 000–00–0000
LAURIE S. HORN, 000–00–0000
*EVA M. HORNE, 000–00–0000
PARTICIA D. HOROHO, 000–00–0000
*PAULETTE D. HUTCHINS, 000–00–0000
JOSEPH C. KISER, 000–00–0000
*MICHAEL J. KUSEK, 000–00–0000
*LOURDES M. LEANDRY, 000–00–0000
DONALD H. LISH, 000–00–0000
PETER J. LOOK, 000–00–0000
PAMELA A. MANIACI, 000–00–0000
*TONI K. MASSENBURG, 000–00–0000
CYNTHIA A. MCMINN, 000–00–0000
CAROL A. MCNEILL, 000–00–0000
MICHAEL R. MEHLHAFF, 000–00–0000
MARIE L. MENTOR, 000–00–0000
JUNE A. MIKKILA, 000–00–0000
ALLISON L. MIRAKIAN, 000–00–0000
JOHN M. MODELL, 000–00–0000
*ALFREDO E. MONTALVO, 000–00–0000
DONNA W. MOORE, 000–00–0000
*DAISY MUNOZRAMOS, 000–00–0000
*SHANNON M. OGRADY, 000–00–0000
LU A. PERALTA, 000–00–0000
*CONSTANCE PERKINS, 000–00–0000
STEVEN L. PERRY, 000–00–0000
RICHARD RICCIARDI, 000–00–0000
*PHILLIP J. RICE, 000–00–0000
ROBERT E. RITZ, 000–00–0000
*PEDRO I. RIVERA, 000–00–0000
CLIFTON E. ROBERTS, 000–00–0000
MICHAEL J. ROBEY, 000–00–0000
LINDA D. ROBINETTE, 000–00–0000
*MARY M. SANDERS, 000–00–0000
HOWARD E. SCHLOSS, 000–00–0000
RITA A. SCHULTE, 000–00–0000
CHRISTOPHER J. SHAW, 000–00–0000
*KAREN SIBO, 000–00–0000
DORETHA G. SINGLEY, 000–00–0000
DEBORAH V. STROSNIDER, 000–00–0000
JAMES A. STUTTS, 000–00–0000
KARENA L. TARRANT, 000–00–0000
REBECCA J. TORRANCE, 000–00–0000
*LILLIAN W. WILLIAMS, 000–00–0000
*LINDA A. WILLIAMS, 000–00–0000
*PAMELA Y. WILLIAMS, 000–00–0000
CONNORS A. WOLFORD, 000–00–0000
*JANICE L. WOOD, 000–00–0000

EXTENSIONS OF REMARKS

IN HONOR OF THE VETERANS OF FOREIGN WARS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. CARDIN. Mr. Speaker, I rise today to honor the Veterans of Foreign Wars, Post 9083 in Parkville, MD which is celebrating its 50th anniversary.

In 1946, as returning soldiers from World War II, these veterans found themselves informally meeting at neighborhood stores or on the street. It quickly became clear that they needed a more formal meeting place; somewhere to come together to be with others who had shared the same experiences that were so binding.

The Parkville VFW post began with 15 charter members; today it boasts 1,851 members. The post has grown along with the Parkville neighborhood and through the years has done an outstanding job of serving both the community and its members.

The VFW post has an impressive record of service. The post raised more than $10,000 for the Johns Hopkins Children's Cancer Fund in one of its most successful endeavors. The post sponsors events for high school students such as the VFW Voice of Democracy Oratory Contest, which awards a $25,000 scholarship to the national winner. Its assistance with local scout troops and ROTC groups also has benefited the youth of Parkville.

The VFW post members have a strong bond with veterans in the area. Their longstanding tradition of sponsoring a monthly event at the Fort Howard Veterans Hospital has helped to lift the spirits of many sick and disabled veterans. This VFW post is marked by the caring assistance its members extend to fellow veterans and their families. Every meeting begins with the question: ''Is there a member of the post or a family member in distress?''

I urge my colleagues to join me in congratulating the Parkville VFW post on its 50th anniversary. The veterans who fought to keep our country free have have worked hard to make our community a better place to live. The veterans of Post 9083 have shown an uncommon caring and dedication to others that truly make them a valued asset to our community.

TRIBUTE TO JOSE ''CHEGUI'' TORRES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. SERRANO. Mr. Speaker, it gives me great pleasure to pay tribute to a dear friend, Jose ''Chegui'' Torres, an accomplished boxer and writer whose 60th birthday will be celebrated today among family and friends at Jimmy's Bronx Cafe in the Bronx, NY.

A fellow countryman, Chegui, as his close friends call him, was born in ''la Playa de Ponce,'' Puerto Rico. His talent in boxing was evident at a very young age. In 1956, Chegui won the silver medal in the Olympics in Melbourne, Australia. A year later, he migrated to the United States to continue his successful career in boxing.

In 1965, Jose won the light heavyweight world title at a match at the Madison Square Garden, New York City. He was the first Puerto Rican to ever win a medium weight world championship in boxing. Members of the East Harlem community, in which he lived, made him a hero that day and held a parade to celebrate his victory. It was during this parade that Jose took the stage to acknowledge the thousands of fans and distinguished himself as an eloquent speaker.

Jose is characterized as a person who can talk to people from all socio-economic backgrounds. He is well liked and respected in the community. Throughout the years, Jose has been a community activist and a fighter for minorities and poor people.

After retiring from his boxing career, Jose was appointed by former Gov. Mario Cuomo to lead the New York State Athletic Commission. He also served City Council President Paul D'wyer, and worked in the election campaigns of then candidate to Congress Nydia Velázquez, and Mayor David Dinkins.

Most recently, Jose has collaborated with the daily newspapers the New York Post and ''El Diario/La Pressa,'' as a guest columnist. He frequently writes about a wide variety of subject matters, from boxing and city life, to the socioeconomic plight of the poor, the elderly, and minorities. He has also written books on Muhammad Ali and Mike Tyson.

On his 60th birthday, his wife, Ramona, friends, and other relatives will gather at Jimmy's Bronx Cafe for a surprise birthday party.

Mr. Speaker, I ask my colleagues to join me in wishing Jose ''Chegui'' Torres, a remarkable friend and individual, a happy birthday and a long and healthy life.

IN HONOR OF ALAN FRIEDMAN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Ms. HARMAN. Mr. Speaker, as an early supporter of the Constitutional Rights Foundation, I know how extraordinarily important its education programs are to southern California students. Fortunately so does Alan Friedman, a socially conscious power lawyer who was president of CRF's board of directors from 1992 through 1993.

I am pleased to learn that Alan and another close friend and life force, Jack Valenti, will be honored by the Constitutional Rights Foundation in Los Angeles on May 7. Alan has been an active member of the board of directors of the Constitutional Rights Foundation since 1986, taking particular interest in its programs dealing with national and community service. During his presidency of the Constitutional Rights Foundation, Los Angeles experienced the riots in the aftermath of the Rodney King verdict. Alan rightfully takes pride in the Constitutional Rights Foundation's quick response to the riots by creating teaching materials and developing community service programs involving thousands of Los Angeles youth.

Alan is active in many areas in the community. He is a past chair of the labor law section of the Los Angeles Bar, served as labor relations counsel to the 1984 Los Angeles Olympic Organizing Committee, and was for many years chair of Mayor Bradley's Labor-Management Advisory Committee. Alan also served on the Los Angeles Board of Civil Service Commissioners and was its president from 1985 to 1986. From 1990 to 1991, he was president of the Board of Bet Tzedek—House of Justice—Legal Services Foundation and continues to serve on its board.

Mr. Speaker, public service is the highest calling. At a time when public budgets are strained, it is particularly noteworthy that fine lawyers like Alan Friedman step up. I salute him.

IN HONOR OF JON THOMAS

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. POMEROY. Mr. Speaker, today I would like to recognize an impressive young North Dakotan. Jon Thomas of Bismarck has won a scholarship from the Veterans of Foreign Wars' Voice of Democracy broadcast scriptwriting contest. Mr. Thomas placed fifth in the Nation for the theme ''Answering America's Call.''

I am very excited to see such worthwhile ideas and refreshing optimism coming from North Dakota's youth. It is my pleasure to submit Mr. Thomas' essay for inclusion in the CONGRESSIONAL RECORD:

Last summer, I decided to leave the country and travel the world. One month into my trip I was feeling quite homesick. So I decided I'd better call home. I quickly ran to a pay phone and dialed 1–800–Collect. I knew that if I ever needed anything, calling collect would not be a problem. I then dialed America and listened for an operator to pick up.

''Hello. You have reached the United States of America, the land of opportunity, freedom, individual rights and expression * * * I'm sorry but we can't answer the phone right now, because no one here knows how to answer America's call.''

I couldn't believe it!! Here I was in a foreign country, trying to get through to my home, and it wasn't possible! Why? Because a bunch of USA operators didn't know what it was to answer America's call. Hey!! That's easy! No Problem! Even I could do that! Couldn't I?

Maybe I could see America differently now because I was away from it. Maybe the people who are in America are taking it for

granted. Standing here in a third world country, I could see the difference that being an American had made in my life. I did not have to live in a shack made of tin or corn stalks. I had shoes and many changes of clothing. I had the right to speak out against anything. I had a family. I had an education. I had rights guaranteed to me by my country's government. And I had a say in that government.

Maybe the problem is that people in America are focusing on what's wrong. They're looking so hard at what is wrong in our country that they can't see what is right.

We blame different groups for our problems, saying ''These people are like this, or these people do this.'' We focus only on the negative. That perspective is not totally true. What about the good these people do, or the good that they could do? What about the people who aren't in that group, but also helped cause the problem? Can't we change our focus?

It's time that we remember that Americans are individuals. Americans are each entitled to their own opinion. Their opinions shouldn't be taken away from them, or ridiculed.

It's time to look at the last four letters in American, ''I can.'' The phrase ''I can'' means that you have faith in yourself and in your abilities, that you can take responsibility for your own life. It is knowing that: I can achieve my dream.

Now is the time for us to answer America's call. It's time to stand up and say ''What good have we done? What good can we do?''

The answer to America's call is to be as proud, as respectful, as positive, as caring, as grateful, as understanding, and as loving, as we can be * * * to ourselves, our families, our country, and our fellow man.

We need to stand up and say I can help myself. I can make a difference. It is time for all of us, as Americans, to stand up and say I can answer America's call.

How? Instead of complaining or blaming others for our problems, we need to look at ourselves. No matter how different we are as individual Americans, we all have one thing in common. We are all free. We need to encourage everyone to use their freedoms. We must answer America's call by being true to ourselves. We need to answer it in our own way and let others answer it in their own way.

If I could figure out America's call so easily, I knew at least one of my fellow Americans must have figured it out too. I ran to the phone again, this time hoping I would get through and that someone, in America, would answer the call. The phone rang and rang. Finally, the operator picked up.

''I'm sorry,'' he said. ''All our lines are busy right now. Could you please hold?'' ''Sure,'' I answered. Then I thought, ''That was a good sign. At least I wasn't getting another machine.''

America the Beautiful played softly in my ear. I listened closely to the words. The song made me feel homesick and proud at the same time. Before the song was over, the operator returned: ''Hello, This is the United States of America, the country where people say ''I can.'' What can I do to help you?

PRESIDENT CLINTON'S SPEECH TO AIPAC ON ISRAELI-AMERICAN RELATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. LANTOS. Mr. Speaker, last week the American Israel Public Affairs Committee held its annual policy conference here in Washington to consider the status of United States relations with Israel. The highlight of that conference was the session at which Israeli President Shimon Peres and President Bill Clinton addressed conference participants.

The President's address was an outstanding discussion of the American interest and commitment to bringing peace to the Middle East and of the necessity for a strong and secure Israel in order for that peace process to move forward. Mr. Speaker, I have seldom heard such a strong and convincing argument for the active and positive participation of the United States in the Middle East.

I ask that the remarks of President Clinton be placed in the RECORD, and I urge my colleagues to give them careful and thoughtful consideration.

REMARKS BY THE PRESIDENT TO 1996 AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE POLICY CONFERENCE

The PRESIDENT: Thank you very much. (Applause.) Mr. Prime Minister, I just thought I was tired because it was late Sunday night. I never felt better in my life. Thank you very much. (Applause.)

Mr. Prime Minister, Ambassador Rubinovich, Secretary Glickman, Ambassador Indyk. President Dow, thank you for that wonderful introduction. Mr. Grossman, Mr. Sher (phonetic), Mr. Bronfman (phonetic), Mr. Levy, Mr. Jack Bendheim, who also gave a wonderful introduction; the co-chairs of this event, Art Sandler and Betsy Sheer (phonetic); to all the young students who are here. (Applause.)

The Prime Minister referred on two occasions to the opportunity that I had on my last trip to Israel to meet with the young people there. It was an incredible experience for me. And I realized that in some ways we have to keep depending on young people to deliver us because they remind us that we can break new ground and make tomorrow different from yesterday.

Just before the Prime Minister and I came in here tonight, we received petitions for peace signed largely by college students that were presented by Jonathan Epstein of Trinity College and Abigail Michelson of Brandeis, and I'd like to thank them. I think they're over here. I thank them very much for what they did for that. (Applause.)

I would also like to say a special word of thanks to the members of Congress who are here who have supported our administration's policies in the Middle East. If I miss someone who I do not see, write my a nasty note tomorrow. (Laughter.) But I would like to say a special word of thanks to Senator Lautenberg, Congressman Frost, Congressman Engel, Congresswoman Lowey, Congressman Waxman, and Congressman Levin. (Applause.) And I hope I didn't miss anybody; we can't afford to lose any more friends in Congress. (Laughter and applause.)

When the Prime Minister said that Israel was now spending as much money on education as defense, I thought of seeing if I could get him to stay another week and just testify before a few committees. (Laughter and applause.) And when you, sir, said that I had made history for a second time, I can see myself being guilt-peddled into the future—I can make history now every year from now on until the end of my life. (Laughter and applause.)

Since I associate you with the struggle for peace, I can't help, if you will indulge me one real purely personal observation—the last time I appeared before this conference before last year was in 1989, when the person who was supposed to appear on behalf of the Democratic Party against Lee Atwater went to his daughter's college graduation. I thought he had his priorities in order, and so when he asked me to replace him, I was glad to stand in for Ron Brown. (Applause.) And since he lost his life on another remarkable mission of peace, I thought I would share that with you tonight, and I hope you will remember that and remember him and his family in your prayers.

I am pleased as the Prime Minister is that we can come here tonight with the northern border of Israel and the southern border of Lebanon quiet—no katyusha rockets firing down on the people of Northern Israel. I thank the Prime Minister for the tremendous work he did. And in his absence—and I hope to goodness he's sleeping right now—I want to thank the Secretary of State for his magnificent Herculean effort. (Applause.) I also thank his partner and great unsung hero, Dennis Ross, for what he has done. (Applause.)

As the Prime Minister said, we had an agreement back in 1993, but it wasn't in writing and it was shattered. For the first time now, there is an agreement in writing that will be more effective in preventing further outbreaks. The violence has stopped. There is now a monitoring mechanism to which Israel and Lebanon can refer complaints. And now it is our fond hope that civilians on both sides of the border can resume their lives with greater confidence and security. And we will not tolerate further efforts to disrupt the calm.

When I came into office, I was determined that our country would go into the 21st century still the world's greatest force for peace and freedom, for democracy and security and prosperity. We have to promote these values just as vigorously as we did in the Cold War. Indeed, in some ways, our responsibilities as Americans are now greater.

I know that you agree with that. You have devoted yourselves to strengthening the bonds between the United States and Israel, a cornerstone of our foreign policy and of our efforts to advance peace and freedom and democracy in the Middle East. I thank you for that and I ask you, too, to continue to speak out in a larger sense for America's role in the world. It has made a difference what we have done in the Middle East, and in Bosnia, and in Northern Ireland, and in Haiti, and in fighting against the proliferation of weapons of mass destruction, and in leading the world to take a tougher stand against terrorism. We cannot afford to walk away from these responsibilities to the future of our children, our children's children, and the children of all the world. (Applause.)

What a difference a year can make. It was at this conference last year that Israel's then-Prime Minister Yitzhak Rabin said, from day one Israel found itself in a unique alliance with the United States, resting on twin pillars of shared values and strategic partnership. Well, it's still true. And now the United States and Israel are still partners based on shared values and common strategies.

I am grateful for the service, the life and the sacrifice of Prime Minister Rabin. (Applause.) But I am also very grateful that the man he called his full partner, our friend Shimon Peres, is carrying forward the important work of peace with security. (Applause.)

From his earliest days when he helped to establish Israel's military, up to the very present when he has defined a vision of a new Middle East in his remarkable book—which, Prime Minister, I have told the whole world I enjoyed reading, and I'm promoting it for you and I hope I get a certain percentage kickback if it really does very well. (Laughter.) We just made another agreement. They're just spouting out all over. (Laughter and applause.)

I said that in jest—(laughter)—to lay the pretext for a serious comment. At least the critical mass of American Jews should read that book and become familiar with its contents, because if you do it will give you the energy for the tasks ahead, because the Prime Minister has been able to imagine what the future might be like beyond the history that can be made with the other peace signings. And that vision is what must drive us all into tomorrow.

We have made a lot of progress with the Declaration of Principles of the Palestinians, the peace of the Aqaba with Jordan, the interim accord that was signed in Washington. I have watched in these very difficult months since Prime Minister Rabin's assassination Prime Minister Peres rise to this moment. He has been a true and reliable friend of our country, and a true and reliable leader of his own. And I am proud to say, as Yitzhak Rabin said, he is our full partner for peace and security. (Applause.)

This has been a trying time for those who believe that a secure peace is the only true hope for Israel and the Middle East. The katyusha rockets, the bloodshed in Lebanon, the suicide bombings in Israel—we grieve for the innocent victims, and for the Israelis who simply wanted to live quiet lives in their own country, for the innocent Palestinians who were killed in the suicide bombings in Israel, for the children of our own nation—Sarah Dueker and Matthew Eisenfeld—visiting a land they loved; for the Lebanese children in Quana who were caught between—make no mistake about it—the deliberate tactics of Hezbollah in their positioning and firing—(applause)—and the tragic misfiring in Israel's legitimate exercise of its right to self-defense. (Applause.)

I know that in Israel and Lebanon, throughout the Middle East and throughout the world, it would be so easy after yet another round of violence and death, to give up; to think that the very best we could expect is a future of separate, armed camps. It is that sort of bunker mentality that we fight, indeed, all across the world in different ways today. It would be easy to give into it in the Middle East, but it would be wrong.

I was asked the other day whether the violence of the last few days was not proof that the peace process was dead. I said, no, quite the contrary; it was proof that the yearning for peace was alive. The people who started the violence were trying to kill the longing for peace. It is still alive, and we must not let it die. We must stand up to what they tried to do. (Applause.)

We can still achieve a peace if we conquer fear and restore security and deal honestly with those with whom we have differences. We know it will not be easy. Peace requires in some ways more strength than war. And we must have the patience to endure a few more setbacks along the way. We know that it takes great courage to press forward into an unknown future. It's harder than retreating into a familiar past. It takes great bravery to reach out to a former enemy. It's easier to stay in the false security of isolation.

But I believe that Israel will maintain its resolve for peace. As I said, I saw it in the eyes and I heard it in the voices of the children of Israel when I was there just last month. I saw it in the eyes of those two young Americans who gave Prime Minister Peres and me those petitions. I heard it from two boys in Israel, Yuri Tal and Tal Loel, who were badly wounded in the bombing in Tel Aviv—one even deafened. Despite their pain, they wrote to me from their hospital beds, and I quote, from their hospital beds they wrote: Peace is the only true solution for this area.

They showed strength, having lost much even in their young years. They showed the ability to overcome adversity that is the true genius of the character and history of the Jewish people.

If the Jewish people have endured centuries of exile, persecution, the ultimate evil of the Holocaust, flourishing against all the odds, surely—surely—together they can throw back their shoulders and raise their heads and say, after all this, Hezbullah and Hamas will not succeed where others have failed. (Applause.)

Even as the katyushas were falling, we saw proof of peace taking hold. We saw it in the meeting between Prime Minister Peres and Chairman Arafat 10 days ago, when they vowed to move ahead on the goals set by the Accords. We saw it in the Prime Minister's path-breaking trips to Qater and Oman this month. And I salute again the Prime Minister for the strength and commitment he has shown in pursuing the peace in this difficult period.

And, of course, last Wednesday, on the 48th anniversary of Israeli independence, the Palestinian National Council finally did change the PLO Charter and deleted the hateful clause calling for the destruction of Israel. (Applause.) Now, think about that. That symbol of hatred had endured since 1964, before some people in this room were even born. It's a moment we have long waited and worked for. The Palestinian leadership followed through on its commitments and made a better move to a better day. All friends of peace should be heartened by this, and especially by the large margin of the vote in support of Chairman Arafat's policy.

Even during the suicide bombings there was dramatic proof that peace is taking root. Remember, Prime Minister Peres said, at the Summit of the Peacemakers in Sharm el-Sheikh we had 29 leaders from around the globe, and 13 from the Arab world voting and committing themselves for the first time not only to condemn, but to work against terrorism in Israel. It was an historic moment. And we are following up on it. (Applause.)

I say again, I want to hammer this home, not only to you who know, but to people beyond this room—this progress for peace is the reason the enemies of peace are lashing out. We must restore peace. We must restore security. But we must not be diverted from our ultimate goal, else we will hand them the victory that they have sought all along. (Applause.)

We know the circle of peace cannot be closed only by an end to the fighting in Lebanon. It can be closed only when the Arab-Israeli conflict is truly over; when normalization takes hold in the entire Arab world; when Israel's security is completely assured; when Israel is fully accepted in every way in the region. The circle of peace will be closed only—and I say only—when the people of Israel are confident that what they are getting is worth the risks they must take. Peace and security are indivisible. And Israel must feel comfortable and confident about both in order to achieve either over the long run. (Applause.)

Let me say to you what I hope you already know, the breakthroughs of the past were possible because we built together a bond of trust. And I pledge to you today that this relationship will remain strong and vital—so strong and so vital that no one will ever drive a wedge between us. (Applause.)

Our commitment to Israel's security is unshakable. It will stay that way because Israel must have the means to defend itself by itself. In a time of shrinking resources, we have maintained our economic assistance. We have sought to enhance Israel's security, to lessen the risks it has taken and still takes every day for peace.

Israel's qualitative military edge is greater than ever because we have kept our word. Earlier today, Prime Minister Peres and Secretary Perry signed an agreement to expand our theater missile defense program so that we can detect and destroy incoming missiles. That way Israel will have not only the advantage it needs today, but will be able to defeat the threats of tomorrow. (Applause.)

As part of this effort, we are proceeding with the third phase of the deployment of the Arrow missile program. (Applause.) The United States is committing $200 million to this effort so that the children who lived through the Scud attacks of the Gulf War will never again face that fear. We also pledge to expand work on the Nautilus high-energy laser system, which is designed to destroy katyushas in flight. (Applause.) Our Air Forces are working together so that the first of the F15–Is are delivered as planned next year. (Applause.) And we have offered Israel the ARAAM, our most advanced air-to-air missile system so that Israel's air power remains unmatched in the region. (Applause.)

Our strategic cooperation is greater than ever. We are continuing to help build Israel's high-tech capacity through the sale of supercomputers. We are even expanding cooperation in space and preparing to train Israeli astronauts. (Applause.) There may be a few volunteers out there, Mr. Prime Minister. (Laughter.)

We are also working, as the Prime Minister said, more closely than ever to defeat terrorism. This week we will complete the agreement to combat extremist violence that we began work on during my visit to Israel last month. Almost as soon as we received word of the bombings we began sending new equipment to detect explosives. Now we are committing more than $100 million to this program for equipment and training, for development of new technologies and improved communications and coordination. And I am very pleased that in the budget I signed just two days ago, the first $50 million was included in our common antiterrorist efforts. (Applause.)

We all know that Israel should have every tool at its disposal in the fight against terror. And we all know that the organized forces of hatred and terror threaten people not only in the Middle East, but here at home and around the world. We saw that in Oklahoma City, at the World Trade Center, in the attacks we have thwarted, in the subways of Tokyo, in the skies over Scotland. We see it all around the world. Fighting terrorism will remain one of our top law enforcement priorities for many years to come. And in order to be successful, we have to have the tools we need here, and we have to work together.

I want to thank the Congress and members in both parties for passing the antiterrorism bill I signed into law just last week. (Applause.) I want to thank many of you in this audience in both parties who worked hard and lobbied hard for that legislation. (Applause.) It will help us to stop terrorists before they strike and to bring them to justice when they do.

Now we can more quickly expel foreigners who came here and support terrorist activities. Our prosecutors can wield new tools and expanded penalties against those who terrorize Americans at home or abroad. And we can stop terrorists from raising money in the United States to pay for their crimes anywhere around the world. (Applause.)

Again, I say AIPAC has long been a powerful voice in favor of this legislation. We may not be able to always stop those who are gripped by hatred, but at least now because of your support, we will make a real difference in the fight against terror. And I pledge to you that in America, in Israel and around the world we will not rest from these

efforts until, in the words of the psalm, ''We shall not be afraid of the terror by night, nor for the arrow that flies by day.''

When I was in Jerusalem last month, I placed a small symbol of the extraordinary bond of solidarity between the United States and Israel on the grave of my friend Prime Minister Rabin. It was a little stone from the South Lawn of the White House where the first accord with the Palestinians was signed. I put it there in keeping with the Jewish tradition that says one must always add to the memories of those who have died and never detract from them.

Well, it falls to us to add more to the memories of all those who have given their lives for Israel's security and for the hope of peace. And we must do this not only with stones, but in kind. We must build a peace as hard and real as any stone. And in so doing, we will add to the memory of every martyr and validate the sacrifice of every martyr, and give meaning and breath and life to the dreams of so many who have gone before.

That is my vision to you and my pledge. And I say to you, and especially to you, I will do everything I can to help us achieve it together.

Thank you, and God bless you. (Applause.)

IN HONOR OF REAR ADM. BOB MOORE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. SKELTON. Mr. Speaker, I rise today to recognize and honor Rear Adm. Bob Moore, Supply Corps, U.S. Navy, as he prepares to retire upon completion of over 35 years of faithful service to our Nation.

A native of San Antonio, TX, Rear Admiral Moore received a bachelors degree from the University of Texas. Subsequently, he earned a master in business administration degree from Harvard University.

Commissioned an ensign in the U.S. Navy in 1961, Admiral Moore was immediately detailed to an afloat billet where he served as supply officer on board the destroyer *Hyman*. Following his tour on *Hyman*, Admiral Moore was assigned as an instructor at the Navy Supply Corps School in Athens, GA. In this important position, he was entrusted with training the supply corps officers of the future.

After completing his stint as a teacher, Admiral Moore was selected for duty in the Naval Nuclear Propulsion Program. This is a competitive program with only the very best supply corps officers being selected for this prestigious duty. After his initial tour with the Navy Nuclear Program in Washington, DC, Admiral Moore was assigned as the program's contracting officer at the General Electric facility in Schenectady, NY.

Moving from Schenectady in 1971, Admiral Moore was assigned to the Navy Ships Parts Control Center in Mechanicsburg, PA, as director of the Nuclear Equipment Support Division. Following this tour, he was again assigned to the Naval Nuclear Propulsion Program.

All good sailors long to return to sea duty and Admiral Moore was no exception. Following his assignment in the Nuclear Propulsion Program he was detailed as supply officer of the submarine tender U.S.S. *Holland* stationed in Holy Loch, Scotland.

Admiral Moore then returned to Washington, where he served on the Chief of Naval Operations Staff and followed that tour with one at the Navy Accounting and Finance Center where he was the vice commander. Bob then returned to Mechanicsburg, PA, as he assumed command of the Navy Fleet Material Support Office.

While serving at the Fleet Material Support Office Admiral Moore's sustained distinguished service was reflected in his selection to flag rank. His first flag tour was as competition advocate general of the Navy and he followed that with an assignment at the Navy Supply Systems Command as assistant commander for inventory and systems integrity. He was named to head the Naval Information Systems Management Center in 1991 and following that tour was nominated and selected to be the 38th chief of the Navy Supply Corps and commander, Navy Supply Systems Command in 1993.

While serving as commander of the Navy Supply Systems Command, Admiral Moore has been instrumental in the streamlining and reorganization of the command that has led to the savings of millions of the taxpayers' dollars while at the same time improving support to deployed Navy ships. His innovative leadership has been a model for all of the service logistics commands and has superbly postured the command for the 21st century.

A man of Bob Moore's stature and vision is rare indeed. While his distinguished service will be genuinely missed, it gives me great pleasure to recognize him before my colleagues, and to wish him ''fair winds and following seas,'' as he brings to a close a long and distinguished career in the U.S. Navy.

CIVILITY

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mrs. LINCOLN. Mr. Speaker, I'm pleased that Members of the House have taken some time to recognize the importance of civility. When people moved off their front porches into air conditioned homes, we didn't realize what we were losing. Less time on the porch in the cool evenings meant less time talking to our neighbors. Less time talking to our neighbors meant the loss of community and the loss of the security of knowing that if you're late getting home from work, one of your neighbors will make sure your children get off the school bus safely.

My husband and I live in the country in Arkansas, but I have an apartment in Washington where I live when Congress is in session. Each morning I walk into the elevator and meet a sea of blank stares from strangers. Have you ever noticed how people never speak in elevators? Nationwide, hundreds of people get into their cars after work, drive up to the money machine on their way to the fast food stand, and then go home to eat alone in front of the television. One-fourth of Americans live alone—isolated from family and others who might care for them when they're sick or lift them up when they need a little support.

We're losing the community spirit that built this Nation. But we can rejuvenate it and one way to start is by returning a little civility.

No one could have sounded the alarm for a return to civility more brassily than the two gentlemen who got into a shouting match on the George Washington Parkway 2 weeks ago. Witnesses said the two men raced to cut one another off in the early morning commuter traffic, gesturing angrily toward one another. Minutes later, one witness rounded a bend in the road to see a gruesome four-car collision that left three people dead. One of the dead was a man who had just returned from Pennsylvania, where he had attended his father-in-law's funeral. His wife was still in Pennsylvania, coping with the loss of her father, when she got the news that her husband had been killed. Another innocent victim was a mother of three children. She had put a career on hold to raise three children and was driving to her third day back on the job when she was killed.

We don't often see such visible results of our meaningless egotistical battles with other people. But each of us should look to that tragedy on the George Washington Parkway as a most grave reminder that we need a return of civility in our society. The innocent people who died in that accident—a mother and a father working hard for their families—should be heroic reminders that we have gone too far.

As Members of Congress, we can't scratch our heads and wonder why our society has splintered when we belittle one another on the House floor. Returning civility to this country is a bigger challenge than either the Republican or the Democratic Party can accomplish. Edgar Guess once said, ''I'd rather see a lesson than hear one any day.'' I'm pleased that we have spent this time calling for a return to civility, but it's time that we also walked our talk.

CONNECTICUT OLD STATE HOUSE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mrs. KENNELLY. Mr. Speaker, I rise today to celebrate the 200th anniversary of the Old State House in Hartford, CT. This beautiful building is the living symbol of my State's proud history and the important contributions that Connecticut and its people have made to our Nation. The Old State House, long recognized as ''Connecticut's single most important building,'' has now been rehabilitated and renewed after a 4-year, carefully orchestrated major construction project. All of Connecticut will celebrate its rebirth on May 11, 1996.

Nestled in the heart of what is now downtown Hartford and today surrounded by modern office buildings, the site of the Old State House was a cradle of colonial history even before the building existed. In 1638, the Rev. Thomas Hooker preached a sermon there that led to the adoption of Connecticut's colonial constitution. These Fundamental Orders of Connecticut later became the blueprint for the U.S. Constitution. In 1781, at Meeting House Square, Gen. George Washington met the French armies in America under Comte de Rochambeau and forged the Yorktown strategy that led to victory in the Revolutionary War.

Eleven years later, construction began on the Old State House. Designed by Charles

Bulfinch, the building was completed in 1796. On May 11 of that year, it was dedicated by Connecticut's Revolutionary War statesman and first Governor, Oliver Wolcott.

For the next 82 years, the Old State House was the scene of both glorious and tragic moments in Connecticut's history. Here, the notorious Amistad trial took place; here they drafted the laws to incarcerate Prudence Crandall. But here, too, Oliver Ellsworth resigned as U.S. Senator to become the third Chief Justice of the U.S. Supreme Court. Here, Lafayette and Marshall Foch were honored. Here, Connecticut's constitutional conventions were held, first in 1818 and again, in 1965. Here, nine sitting Presidents of the United States visited: John Adams, James Monroe, Andrew Jackson, Abraham Lincoln, Andrew Johnson, Ulysses Grant, Richard Nixon, Gerald Ford, Jimmy Carter, and George Bush.

When the State outgrew the building in 1878, the Old State House served as Hartford's city hall for 37 years. It was later used as a community center for the Red Cross, the Chamber of Commerce, and the Hartford Symphony. When the Connecticut River flooded, the Old State House was a dry shelter on high ground. In wartime, it was a bond center. And always, it has served the citizens of Connecticut.

Now, on the 200th anniversary of its opening, the Old State House will again be a lively presence in the center of Connecticut's capital city. Under the visionary stewardship of Wilson H. Faude, the executive director of the Connecticut Old State House, and the Old State House Association, the building has undergone a $12-million metamorphosis that will usher in a new era of living history, art and museum exhibits, educational programs and entertainment. Citizens of Hartford, CT, and the Nation celebrate the rebirth of this landmark, a visible symbol of our proud and diverse heritage, a gift to our children and grandchildren, and a rallying point for the community as we look ahead to the future.

Mr. Speaker, the reopening of the Old State House is an important moment in the history of Hartford and of Connecticut, and I am honored to submit these commemorative remarks in order to share it with my colleagues.

THE 90TH BIRTHDAY OF CLARA ALSTON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. CONYERS. Mr. Speaker, I rise today to celebrate the 90th birthday of Clara Alston, a constituent and friend of mine.

Clara was born in Demopolis, AL, on May 3, 1906, to parents Ernest and Daisy. Clara moved with her family to Detroit when she was 13, and met her husband, Spencer James Alston there in 1921. Clara married Spencer in 1924, and they raised five children in Detroit. They joined Hartford Avenue Baptist Church, where Clara is still a member today.

Clara is the matriarch of a tremendous family in southeast Michigan. She today has over 50 grand, great grand, and great-great grand children.

Mr. Speaker, today we do not hear enough news about the great things that are happening in families in America's big cities. We too often hear the stories of broken homes and failing families. That is why I am asking that we celebrate the 90th birthday of Clara Alston. She raised five children in Detroit. She has lived a long and productive life as mother, wife, grandmother, and as an artist and gardener. She is the first person in her family to reach 90 years of age, and she is the pride and joy of her large family.

Mr. Speaker, on Saturday, May 4, Clara Alston's family and friends are getting together to celebrate her 90th birthday. I want to wish Clara a wonderful and beautiful day for her special birthday.

TRIBUTE TO THE BRONX COMMUNITY COLLEGE HALL OF FAME RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the 18th Annual Bronx Community College Hall of Fame Run, a 10-kilometer race sponsored by Bronx Community College. This year's race will be held tomorrow starting from Bronx Community College in my congressional district of the South Bronx, New York.

The Bronx Community College Hall of Fame Run was established in 1979 under the leadership of former Bronx Community College president Dr. Roscoe C. Brown, Jr. and continues under the presidency of Dr. Leo A. Corbie. The race brings together runners of all ages from the five boroughs of New York City to compete in a wholesome community event.

The run was named after the Hall of Fame for Great Americans, a national landmark established in 1900 to honor the achievements of men and women in science, the arts, humanities, business, and government. This beautiful landmark, designed by architect Stanford White, features a granite colonnade containing the bronze busts of 97 distinguished Americans.

I have had the opportunity to participate in 15 of the 17 Bronx Community College Hall of Fame Runs and I am thrilled to be running in this year's race. The event, which was originally a 10-kilometer race, now includes a 10-kilometer walk and a 2-mile fitness walk.

Mr. Speaker, I ask my colleagues to join me in recognizing the Bronx Community College Hall of Fame Run in its 18th year of uniting the community through healthy competition.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 7, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on environmental programs.
SD–192

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Endowment for the Arts.
SD–138

Labor and Human Resources
Business meeting, to resume markup of of S. 1643, authorizing funds for fiscal years 1997 through 2001 for programs of the Older Americans Act, and to mark up S. 1360, to ensure personal privacy with respect to medical records and health care-related information.
SD–430

Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR–301

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Commerce.
S–146, Capitol

Finance
Business meeting, to mark up H.R. 2853, relating to most favored nation status for Bulgaria, H.R. 1642, relating to most favored nation status for Cambodia, and H.R. 3074, relating to tariff treatment of products imported from the West Bank and Gaza Strip.
SD–215

Judiciary
Youth Violence Subcommittee
To hold hearings to examine Federal programs relating to youth violence.
SD–226

Veterans' Affairs
To hold hearings to examine the reform of health care priorities.
SR–418

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Dennis K. Hayes, of Florida, to be Ambassador to the Republic of Suriname, Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Peru, and Donald J. Planty, of New York, to be Ambassador to the Republic of Guatemala.
SD–419

Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation.
SH–216

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Housing and Urban Development.
SD–192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, Department of the Treasury.
SD–138

2:45 p.m.
Select on Intelligence
Closed business meeting, to consider pending calendar business.
SH–219

MAY 9

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the recent increase in gasoline prices.
SD–366

Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

Indian Affairs
To hold oversight hearings on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe v. Florida on the Indian Gaming Regulatory Act of 1988.
SD–G50

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Immigration and Naturalization Service and the Bureau of Prisons, Department of Justice.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Transit Administration.
SD–192

Governmental Affairs
To hold oversight hearings on the Internal Revenue Service.
SD–342

Judiciary
Business meeting, to consider pending calendar business.
SD–226

10:30 a.m.
Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation.
SH–216

1:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Labor.
SD–138

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Small Business Administration.
S–146, Capitol

Commission on Security and Cooperation in Europe
To hold a briefing on rebuilding Bosnia-Herzegovina, focusing on strategies and the role of the United States.
2255 Rayburn Building

MAY 10

9:30 a.m.
Small Business
To hold hearings on proposed legislation relating to Small Business Investment Company reform.
SR–428A

MAY 14

9:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine challenges faced by an aging society.
SD–430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Federal Aviation Administration and the Airport Improvement Program.
SR–253

MAY 15

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies.
SR–332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR–301

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Aeronautics and Space Administration.
SD–192

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the United States Coast Guard.
SD–192

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Corporation for National and Community Service.
SD–192

MAY 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on issues relating to food quality protection.
SR–328A
Rules and Administration
To resume hearings on issues with regard to the Government Printing Office.
SR–301

MAY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.
SD–192

JUNE 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposals to reform the Commodity Exchange Act.
SR–328A

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4697–S4761

White House Travel Office/Former Employees: Senate resumed consideration of H.R. 2937, for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993, taking action on the following amendments proposed thereto: **Pages S4717–23**

Pending:

(1) Dole Amendment No. 3952, in the nature of a substitute. **Page S4717**

(2) Dole Amendment No. 3953 (to Amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States. **Page S4717**

(3) Dole Amendment No. 3954 (to Amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States. **Page S4717**

(4) Dole Motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith. **Page S4717**

(5) Dole Amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States. **Page S4717**

(6) Dole Amendment No. 3956 (to Amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States. **Page S4717**

A second motion was entered to close further debate on the bill and, by unanimous consent, a vote on the cloture motion will occur, if necessary, at 10 a.m. on Wednesday, May 8, 1996. **Page S4723**

Senate will continue consideration of the bill on Tuesday, May, 7, 1996, with a vote on a motion to close further debate on the bill to occur thereon at 2:15 p.m.

Nominations Received: Senate received the following nominations:

John F. Hicks, Sr., of North Carolina, to be Ambassador to the State of Eritrea.

Alan R. McKee, of Maryland, to be Ambassador to the Kingdom of Swaziland.

Arlene Render, of Virginia, to be Ambassador to the Republic of Zambia.

Stanley N. Schrager, of Illinois, to be Ambassador to the Republic of Djibouti.

Routine lists in the Army. **Page S4761**

Messages From the House: **Page S4723**

Communications: **Page S4723**

Additional Cosponsors: **Pages S4723–24**

Amendments Submitted: **Page S4724**

Additional Statements: **Pages S4724–26**

Text of H.R. 2202, as Previously Passed: **Pages S4730–60**

Adjournment: Senate convened at 12 Noon, and adjourned at 4:53 p.m., until 9 a.m., on Tuesday, May 7, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S4760–61.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 1 public bill, H.R. 3392; and 1 resolution, H. Res. 425 were introduced. **Page H4430**

Reports Filed: Reports were filed as follows:

H.R. 1861, to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code, amended (H. Rept. 104–554);

H.R. 2137, to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders, amended (H. Rept. 104–555);

H.R. 2511, to control and prevent commercial counterfeiting (H. Rept. 104–556);

H.R. 2980, to amend title 18, United States Code, with respect to stalking, amended (H. Rept. 104–557);

H.R. 1734, to reauthorize the National Film Preservation Board, amended (H. Rept. 104–558 Part 1); and

H. Res. 417, providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the Second Session of the One Hundred Fourth Congress (H. Rept. 104–559). **Page 4430**

Presidential Veto Message—Product Liability: Read a message from the President wherein he announces his veto of H.R. 956, the Common Sense Product Liability Legal Reform Act of 1996 and explains his reasons therefor—ordered printed (H. Doc. 104–207). **Pages H4425–26**

Subsequently, it was made in order that further consideration of the veto message on H.R. 956 be postponed until Thursday, May 9, 1996; and that, upon further consideration of the veto message on that day, the previous question be considered as ordered on the question of passage of the bill, the objections of the President to the contrary notwithstanding, without intervening motion or debate except one hour of debate on the question of passage. **Pages H4426–27**

Late Report: Committee on House Oversight received permission to have until midnight on Monday, May 6, to file a report on H. Res. 417, providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the Second Session of the One Hundred Fourth Congress. **Page H4427**

Referral: One Senate-passed measure was referred to the appropriate House committee. **Page H4428**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H4430.

Senate Messages: Message received from the Senate today appears on page H4425.

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at 2:00 p.m. and adjourned at 2:22 p.m.

Committee Meetings

No Committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, MAY 7, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold oversight hearings on the Federal Trade Commission, 10 a.m., SR–253.

Subcommittee on Oceans and Fisheries, to hold hearings on the President's proposed budget request for fiscal year 1997 for the U.S. Coast Guard, 10 a.m., SR–385.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold hearings on S. 1662, to establish areas of wilderness and recreation in the State of Oregon, 2 p.m., SD–366.

Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure, to hold hearings on the General Service Administration's Public Buildings Service program request for fiscal year 1997 and on disposal of GSA-held property in Springfield, Virginia, 9:30 a.m., SD–406.

Committee on the Judiciary, to resume hearings on S. 1284, to amend title 17 to adapt the copyright law to the digital, networked environment of the National Information Infrastructure, 10 a.m., SD–106.

Committee on Labor and Human Resources, to hold hearings on proposed legislation authorizing funds for the National Institutes of Health, 9:30 a.m., SD–430.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to resume hearings to examine certain issues relative to the Whitewater Development Corporation, 10:30 a.m., SH–216.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see pages E712–13 in today's Record.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and the Judiciary, on Arms Control and Disarmament Agency, 2 p.m., and on Telecommunications Issues, 3 p.m., 2360 Rayburn.

Subcommittee on Interior, on Interior Columbia Basin Ecosystem Management Project, 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Secretary of Labor, 10 a.m., and on Employment and Training Administration, 2 p.m., 2358 Rayburn.

Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, to mark up H.R. 2579, Travel and Tourism Partnership Act, 3:30 p.m., 2123 Rayburn.

Committee on Rules, to consider the following: H.R. 3322, Omnibus Civilian Science Authorization Act of 1996; H.R. 2406, United States Housing Act of 1996; and H.R. 3286, Adoption Promotion and Stability Act of 1996, 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, to continue hearings on ISTEA reauthorization: The Federal Role for Transportation and National Interests, 1 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, to mark up fiscal year 1997 Intelligence Authorization, 2 p.m., H–405 Capitol.

Joint Meetings

Joint Committee on the Library, business meeting, to consider a report of the General Accounting Office on the Library of Congress, 10 a.m., SR–301.

Next Meeting of the SENATE

9 a.m., Tuesday, May 7

Senate Chamber

Program for Tuesday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will resume consideration of H.R. 2937, relating to the White House Travel Office/Former Employees.

(Senate will recess from 12:30 p.m. until 2:15 for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, May 7

House Chamber

Program for Tuesday: Consideration of the following 3 Suspensions:

1. H.R. 3269, Impact Aid Technical Amendments of 1996;
2. H.R. 2137, Megan's Law; and
3. H.R. 2980, Interstate Stalking Punishment and Prevention Act of 1996.

Consideration of H.R. 2974, Crimes against Children and Elderly Persons Increased Punishment Act (open rule, 1 hour of general debate); and

Consideration of H.R. 3120, Regarding Witness Retaliation, Witness Tampering and Jury Tampering (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

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