

DISCUSSION OF REGULATORY REFORM BILL IN GOVERNMENT OVERSIGHT COMMITTEE

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I know we have been able to reach agreement apparently on this rule and I know people would like to have no further votes so we can move on. It is after all Friday. But I am told by members of the Committee on Government Reform and Oversight that they have run into a rather difficult problem within their committee. They have been told by the gentleman from Pennsylvania [Mr. CLINGER], the chairman, that they have to put out the regulatory reform bill this afternoon or waive their rights to a 3-day layover if it were to be taken up on Monday.

I think on behalf of the minority, we find that a rather difficult choice to have to make, one that really truncates our ability to have full debate and full consideration of this very important legislation on regulatory relief.

I am wondering if we could hear from those on the majority side about how we could accommodate those concerns. We understand the schedule you are trying to keep, but this is one of the most important bills to come out of that committee in this session. Perhaps the majority leader may wish to respond or the majority whip. I am not sure. I know the majority whip has a great interest in this bill.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I understand the gentleman's concern and as we have during this entire process ever since January 4, we have been diligently trying to, and have protected the rights of the minority. We are running into scheduling problems. We are trying to get this bill out. We do not want to limit any kind of opportunities for Members to offer amendments. But as we have seen on other bills and we feel that at least on this particular bill that there are an inordinate number of amendments to the moratorium bill, a moratorium bill that gives the President the right to actually exempt regulations.

Mr. FAZIO of California. If the gentleman would allow me to reclaim my time, the question of what is an inordinate amount is often in the eye of the beholder.

Mr. DELAY. That is true. And the majority beholder thinks that there are a lot of amendments that really have nothing to do with the bill and could be construed as being a little dilatory. We are just trying to accommodate the minority in trying to say, look, we will go through the whole process and allow you to offer all amendments and keep the process open, but we would appreciate you

working with us and maybe, in order to accommodate the schedule and not be here late at night and through weekends, be able to ask the minority if laying the bill out for the 3 days could be accommodated.

Mr. FAZIO of California. If the gentleman would allow me to continue, the Members I think are already expecting to spend Saturdays here in March. That word is all over the institution, so we all know we are running up against deadlines. But we cannot let those deadlines get in the way of due deliberation. To say that that bill has to be put out today I think really stretches.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. DELAY. We want due deliberation, but as the gentleman knows, from the time a bill gets out of committee to the time it gets to the floor, it could be 10 days in order to protect the minority's right of allowing a bill to sit around for 3 days for comments before it gets to rules, and then after rules it lays for 3 days before it can come to the floor. We are just saying that maybe we could do a little negotiating here and the committee could deliberate and take all amendments if the minority would only allow it to lay out 2 days.

□ 1400

The SPEAKER pro tempore (Mr. BLILEY). Perhaps the distinguished gentleman from California and the majority whip might retire and negotiate.

Mr. FAZIO of California. Mr. Speaker, if we could proceed for ½ minute, it would seem to me if the leadership would proceed to communicate with our leadership about how we are going to handle this bill in committee, to give our members adequate time to offer amendments that are in fundamental ways important to what is one of the most significant bills we are going to deal with in the first 100 days, let alone this Congress, then I think perhaps we could continue in the commodious way we have been. I am sorry to say that we may have to have votes on this noncontroversial rule if we do not have that kind of a dialog.

Mr. DELAY. If the gentleman will yield briefly, I am looking forward to negotiating with the gentleman. We just thought, maybe wrongly, that the chairman of the committee and the ranking member could do that kind of negotiations for the committee, but if it takes the leadership level of negotiations we are happy to do it.

Mr. FAZIO of California. I think it may have been elevated.

PERSONAL EXPLANATION

Mr. FRISA. Mr. Speaker, on rollcall 117, final passage of the prison construction legislation, I was unavoidably absent.

Had I been present, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 728, LAW ENFORCEMENT BLOCK GRANTS

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104-27) on the resolution (H. Res. 79) providing for consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, which was referred to the House Calendar and ordered to be printed.

CRIMINAL ALIEN DEPORTATION IMPROVEMENTS ACT OF 1995

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 69 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 69

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 668) to control crime by further streamlining deportation of criminal aliens. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) or section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in section 2 of this resolution. All points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Each section of the committee amendment in the nature of a substitute, as modified, shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. The amendment in the nature of a substitute recommended by the Committee

on the Judiciary now printed in the bill is modified by the following amendment: "Strike section 11 and redesignate the succeeding sections accordingly."

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, in keeping with our promise to have a more open process in the House, the Rules Committee is bringing to the floor today another open rule.

This one provides for the consideration of H.R. 668, the Criminal Alien Deportation Improvements Act with 1 hour of general debate.

While any Member of the House may offer an amendment under this rule, priority in recognition will be given to those Members who pre-print their amendments in the CONGRESSIONAL RECORD.

This procedure means that Members can be better informed about the issues they will have to vote on, and reduces the possibility of legislation by ambush.

During its consideration of this bill, the Judiciary Committee adopted an amendment by the gentleman from California [Mr. BERMAN] which would have provided a new entitlement which was not paid for.

The Rules Committee was faced with a situation where this bill could not even have been considered unless the Budget Act was waived, and if the original provision had been left in place, the total cost of the amendment would have been added to the deficit.

At the same time, many of us were sympathetic to what the gentleman from California was trying to do—namely reimburse State and local governments for the cost of incarcerating illegal aliens who commit serious crimes.

My State of New York, along with a number of others, has been saddled with heavy financial burdens because the Federal Government has failed to control the Nation's borders effectively.

The compromise solution which was worked out involves two steps.

First, the House agreed to an amendment to the prisons bill, H.R. 667, which would authorize the funds necessary to reimburse States and localities for the cost of incarcerating illegal aliens who have committed serious crimes.

Next the Rules Committee put a provision in this rule which made in order as a new base text the Judiciary Committee amendment in the nature of a substitute minus the Berman amendment which violated the Budget Act.

This took out the budget busting provision from the text that the House will be amending.

However, since the bill reported from the Judiciary Committee still has the language in it which violates the Budget Act, it is necessary to waive two sections of the Budget Act in order to call up the bill. But these are in effect only technical waivers because the offending language is being deleted by the adoption of the rule.

The first technical waiver is included because the Judiciary Committee bill proposed new entitlement authority beyond the committee's allocation. The second technical waiver is necessary because the committee reported bill provides new entitlement authority prior to the adoption of the budget resolution.

I repeat—these Budget Act waivers are necessary only to allow the House to consider the alien deportation bill. The provision which violated the Budget Act is being eliminated by the rule.

There is one other provision adopted by the Judiciary Committee which requires a waiver of points of order.

This provision was offered by the gentleman from California [Mr. MOORHEAD]. It allows reimbursement for the cost of incarcerating illegal aliens to be paid to the localities as well as to the States.

This amendment was adopted by voice vote in the Judiciary Committee and is widely approved. It does not involve any additional cost, but it does require a waiver of the rule prohibiting appropriations on legislation, because technically it is possible that previously appropriated funds could be used for a new purpose.

Finally, the rule provides for one motion to recommit, with or without instructions.

This provides the minority one final chance to offer its best alternative to the bill.

Mr. Speaker, this rule provides a fair process.

It is important to keep in mind, that this is a completely open rule. Any member can offer any amendment that complies with House rules. While there are three waivers that are largely technical, these waivers do not in any way limit a Member's ability to offer his or her ideas to improve the bill.

Mr. Speaker, it is long past time that this Congress started getting serious about the problem of illegal immigration in this country.

The Governor of California has noted, for example, that today in Los Angeles alone illegal immigrants and their children total nearly 1 million. That is more than any congressional district.

Governor Wilson has also noted that two-thirds of the babies born in Los Angeles public hospitals are born to parents who have illegally entered the United States. These are awesome numbers. And the problem is not limited to California, Texas, and Florida. In my own State of New York, the cost of providing services to illegal aliens is

a burden on all the taxpayers of the State.

The bill before us now is a first step toward dealing with the larger problem. This bill will streamline the process of deporting illegal aliens who have committed serious crimes. For example, the bill adds a number of crimes for which illegal aliens can be deported.

Crimes such as trafficking in counterfeit immigration documents, serious bribery, and transporting persons for the purpose of prostitution can become a basis for deportation.

The Criminal Alien Identification System is given the mission of assisting Federal, State, and local law enforcement agencies in identifying and locating aliens who may be deportable because they have committed aggravated felonies.

The bill is a good beginning in dealing with a serious problem. There is much more that needs to be done to prevent the illegal immigration in the first place. I support this bill and the open rule which provides for its consideration.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I would simply like to rise and congratulate the chairman of the Committee on Rules for underscoring the fact that public-policy questions that in the past have only been dealt with by waiving the rules of the House can in fact be addressed by looking head-on at creative ways to comply with the standing rules of the House and actually solve those problems. That is exactly what we were able to do, and that is exactly what this rule does once again, so we can in fact meet the needs of the American people, the issues that the American people want us to address, and we can do it under the rules that the Founders put in place for this institution.

Again I thank my friend for yielding.

Mr. SOLOMON. The gentleman's points are so well taken. The truth of the matter is that the Committee on Rules has put their foot down on these so-called budget waivers that have gotten us into these problems over the years. We are not going to try to do that anymore, and that is one way that we have stopped a new entitlement program from going through, yet helped those States and municipalities that desperately need the help.

Mr. BENTSEN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Speaker, just so I understand what the gentleman is saying, this rule will effectively knock out the Berman language as it relates to reimbursement to the States?

Mr. SOLOMON. The gentleman is correct, because it has been taken care of in the previous bill.

Mr. BENTSEN. So everything we rely on is what was done in H.R. 667, in the previous bill, and there will be no Berman language in this bill?

Mr. SOLOMON. The gentleman is absolutely correct.

Mr. BENTSEN. I thank the gentleman.

Mr. SOLOMON. I hope we can move this rule through on a voice vote.

Mr. Speaker, I reserve the balance of my time.

□ 1410

Mr. BEILENSEN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman has fully explained the terms of the rule before us. It is an open rule. We support the rule. We encourage our colleagues to do the same.

Among the waivers provided by the rule, all of which are technical in nature, is a waiver of clause 5(a) of rule XXI prohibiting appropriations in an authorization bill. That waiver was agreed to by the Committee on Rules without objection at the request of this gentleman from California and is needed to protect a provision in the bill as reported by the Committee on the Judiciary. That provision, offered by the gentleman from California [Mr. MOORHEAD], was approved by voice vote in that committee.

The Moorhead amendment seeks to insure funds appropriated for fiscal year 1995 for the purposes of reimbursing States and local governments for the cost of incarcerating illegal aliens convicted of felonies are available to local as well as to State governments. The Moorhead amendment is, in fact, merely a restatement of existing law as approved in last year's crime bill.

No new spending is involved, as the gentleman from New York [Mr. SOLOMON] explained, so the waiver of clause 5(a), rule XXI, is a technical one as well. This is an issue—this particular one of reimbursement to localities—is an issue that this particular gentleman, along with several others, including especially the gentleman from California [Mr. BERMAN], has been working on for some time now.

In fact, my amendment to the 1994 crime bill not only required for the first time that these reimbursement payments be made to the States but also for the first time directed local governments be eligible to receive those funds as well.

Mr. Speaker, H.R. 668, the Criminal Alien Deportation Improvement Act, is intended to strengthen existing laws to ensure the swift deportation of aliens who commit crimes and to crack down on alien smuggling.

For example, the bill expands the number of aggravated felonies for which an alien can be deported and limits the review of deportation orders for criminal aliens.

The rule permits any germane amendments to be offered, so any concerns that our colleagues may have with specific provisions of the bill can be addressed under this rule.

Mr. Speaker, to repeat, we support this rule. It is, in fact, an open rule. We urge our colleagues to approve it so that we may commence consideration of this important legislation today.

Mr. Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member.

Mr. MOAKLEY. Mr. Speaker, I think the gentleman for yielding me this time.

Mr. Speaker, yesterday in the Committee on Rules a wonderful thing happened. In the interest of bipartisan cooperation, Democrats and Republicans worked out an agreement to allow the Moorhead amendment.

I thank Chairman SOLOMON for his wisdom and for his going beyond the call and also the Republican members on the Committee on Rules for working with us.

Mr. Speaker, I look forward to many, many more of these problems being worked out in the Committee on Rules, and maybe a new day is dawning.

Mr. BEILENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, once again I am delighted to rise in support of a wide open rule that offers all Members the chance to become involved in this important debate. The issue of crime as it relates to illegal immigration is one of great significance to many Americans, and especially to the people of Florida. The statistics tell the story of how illegal immigration and crime have joined together to wreak havoc in States like Florida. In Florida, we would need to build 4 to 5 more prisons just to house criminal aliens—at an estimated cost of \$80 to \$120 million. By strengthening the laws providing for prompt deportation of criminal aliens and making penalties more certain for deported aliens who return to this country illegally, we take a big step in helping States—especially border States—cope with the complex challenges and of illegal immigration. Obviously Florida will benefit in the long run by a more efficient system for speeding deportations, but in the meantime, the costs continue to mount as we grapple with the fact that approximately 10 percent of our prison population is made up of illegal aliens.

For too long, illegal immigration has been a problem sloughed off onto the States. This is a Federal problem—caused by failures in Federal policies—and it is highly appropriate that the Federal Government step in with solutions. H.R. 668 is just such a step forward.

I am grateful for the bipartisan effort in the Rules Committee—led by Mr. BEILENSEN and Mr. DREIER—to come up with a creative way to solve a thorny Budget Act problem posed by language in this bill. In considering the preceding crime bill—the prison bill—yesterday, we demonstrated that the spirit of compromise can lead to a win-win situation. We included important language in the prison bill providing priority in securing crucial resources to States that have been straining to meet the demands of illegal immigration on their prison systems. Deliberative democracy has been working at

its best in this House during the course of this debate and I commend all of those involved for their persistence. I urge support of this rule and H.R. 668.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 69 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 668.

□ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 668) to control crime by further streamlining deportation of criminal aliens, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 668 makes several amendments to the immigration laws to further address the problem of aliens who commit serious crimes while they are in the United States. While several bills in the last Congress began to address this problem, they have not gone far enough.

Of particular concern is the recent increase in alien smuggling crime. Organized crime rings in this country, with ties to others abroad, have developed to prey upon illegal immigrants who want to come to the United States. These criminals extort large sums from these illegal immigrants in return for passage to the United States and for the fraudulent documents they need to obtain entry. In many cases, these illegal immigrants cannot pay these fees and, once they arrive here, are forced into involuntary servitude, prostitution, and other crimes in order to repay these fees. In some cases, such as the "Golden Venture" in New York City, the attempt to smuggle these illegals goes tragically wrong and people die.

H.R. 668 attempts to deal with this problem by designating a number of offenses common to organized immigration crime as "aggravated felonies." Aliens who commit aggravated felonies can be deported from the country following their incarceration. These

changes will enable the Government to deport those aliens who commit alien smuggling crimes after they serve their incarceration.

The bill also strengthens the expedited deportation procedures of existing law. These procedures streamline the deportation process with respect to criminal aliens who are not legal permanent residents. Under H.R. 668, aliens who enter the country as permanent residents on a conditional basis and then commit serious crimes will also be placed into this expedited deportation process.

The bill also tightens one of the defenses to deportation. Under present law, persons who are legal permanent residents and have lived in the country for 7 years may assert their years of residence as a defense to deportation, but this defense does not apply if they have been convicted of an aggravated felony and served 5 years in prison. Unfortunately, for all practical purposes, the Government must wait 5 years to begin deportation proceedings against these criminals. Not only does this result in administrative inefficiency but, on occasion, allows criminal aliens to escape deportation when their incarceration ends before the deportation process is completed. H.R. 668 would remedy these problems by allowing the Government to bring deportation proceedings against the alien whenever the alien is sentenced to 5 or more years in prison, regardless of the time actually served.

H.R. 668 will also allow the Government to deport aliens who have resided in the country for less than 10 years and who are convicted of any felony crime involving moral turpitude. Under current law, persons convicted of crimes of moral turpitude can only be deported if they have been sentenced to, or serve, at least 1 year in prison.

Finally, in order to help Federal law enforcement officials combat organized immigration crime, the bill adds a number of immigration-related offenses as predicate acts under the Rico statute, one of the principal tools that Federal law enforcement officials use to fight organized crime. And to complement this provision, the bill also gives Federal law enforcement officials the authority to utilize wiretaps to investigate certain immigration-related crime.

Mr. Chairman, this bill is modest in length but is a sizable step forward in the Government's effort to fight alien smuggling and to rid ourselves of those noncitizens who commit serious crimes in our country. By removing from our society those aliens who do not respect our laws, we make our streets safer for citizens and noncitizens alike. I urge my colleagues to vote for this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the subcommittee chairman, the distinguished gentleman from Florida, has very adequately de-

scribed the bill. I agree with his interpretations.

H.R. 668 would amend the Immigration and Naturalization Act and other laws to make it easier to deport aliens who commit crimes in the United States and to provide law enforcement officials with additional tools to fight violations of immigration laws.

The bill would broaden the definition of "aggravated felony" established by the 1994 crime bill so as to expand the reach of the summary deportation procedures that were put into effect last year.

The 1994 act permits the INS to use an abbreviated administrative process with no right to an administrative hearing and with a limited right to judicial review to deport an alien—other than a lawful permanent resident—who commits an "aggravated felony." The Attorney General is specifically denied the ability to withhold deportation of such individual on other grounds; for example, asylum.

The list of offenses that would be considered to be "aggravated" felonies would be expanded to include certain crimes related to gambling, prostitution, document fraud, reentry of deported alien at improper time or place, commercial bribery, counterfeiting, forgery, trafficking in vehicles the identification numbers of which have been altered, perjury, bribery of a witness, and failure to appear to answer charges.

The procedures for removal of such aliens would be further streamlined and their reach extended to include aliens who are admitted to the United States as lawful permanent residents, but on a "conditional bases." Such conditional status is conferred on the spouses—and spouses' children—of citizens and lawful permanent residents as a device to discourage fraudulent marriages and deny participants of such fraudulent marriages the benefits of lawful permanent resident status. The bill also adds a requirement that expedited proceedings be conducted, in or translated for the alien into, a language the alien understands.

In addition, H.R. 668 would amend the Immigration and Nationality Act to extend a restriction that exists on the Attorney General's discretion to provide relief from deportation—under INA section 212(c)—for lawful permanent residents who have committed an "aggravated" felony. Such relief is now limited to individuals who have lived in the United States for more than 7 years, but who have served sentences of less than 5 years. The bill amends the law to deny the availability of section 212(c) relief to lawful permanent residents who are sentenced, rather than serve 5 years.

Other significant provisions of H.R. 668:

Collateral attacks of a deportation order in a subsequent prosecution that is based on violation of the order would be limited;

Certain alien smuggling-related offenses would be added to the list of Rico-predicate offenses;

The Attorney General would be granted authority to seek wiretaps in connection with alien smuggling investigations; and

Aliens who are convicted of a felony crime involving moral turpitude within 5 years of entry—10 years in the case of legal permanent resident aliens—would be deportable, regardless of sentence actually imposed. Under current law, aliens who commit crimes of moral turpitude can only be deported if they are actually sentenced to or serve at least 1 year in prison.

Finally, the Violent Crime Control and Law Enforcement Act of 1994 would be amended to ensure that units of local government are eligible for reimbursement for the cost of incarcerating convicted criminal aliens.

□ 1420

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I have no more requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to support this legislation. New Jersey's 13th District is the home to many immigrants, immigrants who are proud to reside in this great land and immigrants who abide by her laws.

For most of these individuals, America is an opportunity, an opportunity to work, an opportunity to succeed, and an opportunity to provide a better life for their children.

However, I believe it is time we send the message that America is also a privilege and if you choose to violate her laws, your privileges will be revoked. You will be tried, you will be convicted, and you will be deported.

It is right to seek reimbursement to States for the incarceration of criminal aliens. The burden on the State for the incarceration of criminal aliens is overwhelming, and it is unfair to expect the American people to bear this expense. In June 1989, the GAO estimated that 22 percent of the Federal prison population were aliens and over half had been convicted of a crime for which they could be deported; at a cost of over \$15,000 per prisoner per year this is unacceptable. For New Jersey this means annual costs of \$6.6 million for the incarceration of criminal aliens. And in New York City, across the Hudson River from my district, in a 15-month period 12,300 aliens were arrested for felonies.

In the same way that we revoke the privilege of freedom from other criminals, we should revoke that which is

most sacred to criminal aliens, their residence in the United States.

Mr. Chairman, I join in supporting the deportation of criminal aliens. The American people cannot afford to support the costs of criminal aliens and, more important, they should not have to.

Mrs. FOWLER. Mr. Chairman, I rise today in support of H.R. 668, the Criminal Alien Deportation Improvements Act. As a member of the Florida delegation, I am a strong supporter of legislation which effectively and fairly addresses immigration-related problems. H.R. 668 does just that, by making it easier to deport criminal aliens who have been convicted of a felony. Any Representative who values law and order should be proud to support this bill.

In the past, it has sometimes been difficult for the Government to deport even those aliens who have committed very serious crimes. It is time that we correct this problem. There is absolutely no reason that such people should enjoy the benefits of living in the United States after committing crimes.

H.R. 668 does more than just streamline deportation procedures for criminal aliens. It also establishes a criminal alien identification center which will help law enforcement authorities locate criminal aliens. It is an excellent commonsense bill, and I urge my colleagues to support it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, PETER KING of New York and I have been working hard on a provision of this bill for the past year. This particular provision would apply the RICO statute to alien smuggling crimes. This means that when a criminal act involves the trafficking of human beings, the Department of Justice can use the full scope of the law to prosecute the smugglers by allowing higher fines, longer prison sentences, and seizing the assets of the organized enterprises committing these crimes, not just individuals.

In the past couple of years we have heard about boatloads of Chinese immigrants being brought to the United States under horrifying conditions—weeks with no clean water, minimal food, and unsanitary conditions beyond imagination. The gangs responsible for smuggling these people into the United States then force them into slave labor, working 12- to 14-hour days, 7 days a week in gruesome conditions just to pay off the \$30,000 to \$40,000 debt they incurred. These horrible abuses at the hands of people willing to profit from the trade of human beings must be stopped.

Mr. Chairman, I want to be perfectly clear. Some people are trying to flee their homelands for legitimate reasons. This country has a longstanding tradition of granting asylum to people who are fleeing their home because of political persecution. I believe very strongly in this policy. What we are talking about here today is very different. The purpose of this provision is to address the problem of slave trade, where traffickers use the dream of America and freedom to lure people into the bondage of slavery for their own profit.

Mr. PACKARD, Mr. Chairman, there are over 450,000 criminal aliens on probation, in prison, or on parole in the United States. Our Federal, State, and county criminal justice systems can no longer bear this awesome burden. The Republican crimefighting agenda

seeks to ease this troublesome load by providing more effective crimefighting tools.

The Criminal Alien Deportation Act, H.R. 668, cracks down on criminal aliens by allowing swifter deportation procedures and stiffer smuggling penalties. Speeding up the deportation process frees up more of our scarce prison resource. Currently, criminal aliens constitute one-fourth of our prison population.

Our Republican crime bill recognizes the staggering costs that criminal aliens place on our judicial system. Criminal immigrants cost the State and county criminal justice systems more than \$500 million per year. These are costs we cannot sustain.

Mr. Chairman, the Criminal Alien Deportation Act affects every taxpayer in America. Speeding up the deportation process saves American taxpayer dollars and frees up jail space to allow us to keep more criminals off our streets.

Mr. CONYERS. Mr. Chairman, I have no other requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill, as modified by the amendment printed in section 2 of House Resolution 69, shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered as having been read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Criminal Alien Deportation Improvements Act of 1995".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Additional expansion of definition of aggravated felony.
- Sec. 3. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 4. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
- Sec. 5. Limitation on collateral attacks on underlying deportation order.
- Sec. 6. Criminal alien identification system.
- Sec. 7. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
- Sec. 8. Wiretap authority for alien smuggling investigations.
- Sec. 9. Expansion of criteria for deportation for crimes of moral turpitude.
- Sec. 10. Payments to political subdivisions for costs of incarcerating illegal aliens.

Sec. 11. Compensation for incarceration of undocumented criminal aliens.

Sec. 12. Miscellaneous provisions.

Sec. 13. Construction of expedited deportation requirements.

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) **IN GENERAL.**—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting “, or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),” after “corrupt organizations”;

(2) in subparagraph (K)—

(A) by striking “or” at the end of clause (i).

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

“(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or”;

(3) by amending subparagraph (N) to read as follows:

“(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;”;

(4) by amending subparagraph (O) to read as follows:

“(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;”

(5) in subparagraph (P), by striking “15 years” and inserting “5 years”, and by striking “and” at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

“(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;”;

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

“(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years’ imprisonment or more may be imposed;

“(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years’ imprisonment or more may be imposed;

“(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years’ imprisonment or more may be imposed; and”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

The CHAIRMAN. Are there amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (A) and inserting “or”, and

(B) by amending subparagraph (B) to read as follows:

“(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.”;

(2) in paragraph (3), by striking “30 calendar days” and inserting “14 calendar days”;

(3) in paragraph (4)(B), by striking “proceedings” and inserting “proceedings”;

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

“(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

“(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding.”;

(5) by adding at the end the following new paragraph:

“(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General’s discretion.”.

(b) LIMIT ON JUDICIAL REVIEW.—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended to read as follows:

“(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.”.

(c) PRESUMPTION OF DEPORTABILITY.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

“(c) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to section 3? If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking “has served for such felony or felonies” and all that follows through the period and inserting “has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.”.

The CHAIRMAN. Are there amendments to section 4? If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

“(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

“(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

“(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to section 5? If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-312) is amended to read as follows:

“(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.”.

The CHAIRMAN. Are there amendments to section 6? If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended

(1) by inserting “section 1028 (relating to fraud and related activity in connection with identification documents) is the act indictable under section 1028 was committed for the purpose of financial gain,” before “section 1029”;

(2) by inserting “section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable

under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581-1588 (relating to peonage and slavery),” after “section 1513 (relating to retaliating against a witness, victim, or an informant),”;

(3) by striking “or” before “(E)”;

(4) by inserting before the period at the end the following: “, or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain”.

The CHAIRMAN. Are there amendments to section 7? If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

“(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or”.

The CHAIRMAN. Are there amendments to section 8? If not, the Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) IN GENERAL.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

“(II) is convicted of a crime for which a sentence of one year or longer may be imposed.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to section 9? If not, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

The CHAIRMAN. Are there amendments to section 10? If not, the Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: “; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien”.

(b) CODIFICATION.—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: “Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.”.

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended by striking “and nothing in” and all that follows through “1252(i)”.

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

The CHAIRMAN. Are there amendments to section 11? If not, the Clerk will designate section 12.

The text of section 12 is as follows:

SEC. 12. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this title shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

The CHAIRMAN. Are there amendments to section 12, the last section of the bill?

If not, are there amendments at the end of the bill?

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment, amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CUNNINGHAM:

At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(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 Treaty with Mexico (in this section referred to as the “Treaty”) to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(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 Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—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 Treaty. 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 the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense 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 Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(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 Treaty.

(5) Any recommendations or appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

The CHAIRMAN. Pursuant to the unanimous consent request, the gentleman from California [Mr. CUNNINGHAM] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, this amendment directs the Secretary of State and the Attorney General to study and report to Congress within 6 months a report on the use and effectiveness of the Prisoner Transfer Treaty with Mexico. The report will be valuable to Congress as we begin a broader overhaul of immigration policy.

Specifically, the report is to outline the number of criminal aliens who have been or are eligible for transfer under the treaty.

□ 1430

Specifically, the report is to outline the number of criminal aliens who have been or are eligible for transfer under the treaty, the current treaty, and the number who actually have been transferred by Federal, State, and local institutions. The administration is directed to recommend to Congress changes in policy and consult with the

Mexican Government to identify where the treaty can be improved. Indeed Attorney General Reno has discussed with her Mexican counterpart to begin looking at ways to improve this treaty.

This amendment is in line with the recommendations of the Jordan Commission, sanctioned by President Clinton, who supports efforts to simplify the process for transferring criminal aliens to prisons in the country of their origin to serve out their terms.

One of the problems we have, Mr. Chairman, is that our system and the treaty has not been working. We are looking for a faster method to transfer prisoners from country to country with the acceptance of both of those countries.

As of June 1994, there were some 8,000 Mexicans in Federal prisons eligible for transfer. There are also a large number serving in State prisons. According to the Urban Institute's 1994 report on the fiscal impact of illegal immigration, there were some 21,395 illegal aliens incarcerated in California, New York, Florida, Texas, Illinois, New Jersey, and Arizona. In California, the Urban Institute concluded the State bears an annual cost of \$368 million to incarcerate approximately 15,000 illegal aliens, and I will not go through the rest of it, Mr. Chairman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I have looked this amendment over, and there is no problem with directing a study to be completed, within 6 months back to us, about the prisoner transfer treaty with Mexico, and so on this side we would be delighted to accept the amendment.

Mr. MCCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, we have examined the amendment as well, and the Crime Subcommittee and others who are involved in this bill and the management of it find it to be a good amendment, and we would urge its adoption.

Mr. CUNNINGHAM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the last section?

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN: Page 14, line 6, insert the following new section (and conform the table of contents accordingly):

SEC. 14. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to State and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

Mr. MORAN. Mr. Chairman, the purpose of this amendment is simple. It establishes an office within the Department of Justice which would provide assistance to State and local governments seeking to try aliens who commit crimes in this country and then flee to their homeland in order to escape justice.

A classical example occurred in Arlington, VA, with an illegal immigrant from El Salvador:

John Douglas was an elderly man. He was walking home from a metro, and he was shot in cold blood. Attempted robbery; I do not think he even had any money on him. But the person who killed him, Mr. Eduardo Lazarios, was an illegal alien from El Salvador. He was indicted, but he could not be prosecuted because he fled to his homeland shortly after the murder. He is not the first to take advantage of the fact that a criminal from El Salvador can flee to El Salvador and escape punishment. The only recourse for the Douglas family was to attempt to try him in his homeland. This, however, is very complicated. The witnesses do not have to be transported necessarily, but all the documents have to be gathered, they have to be translated, they have to be submitted to the nation where the offender resides. Smaller police departments cannot do this.

In fact, I asked how often this occurs. Just in Arlington County alone, which is a relatively small county, there is another criminal who hit and killed a little 3-year-old girl. He was an illegal immigrant from El Salvador. He has escaped justice completely. We have another murderer who escaped justice in this way.

We have two other criminals in Alexandria. We have a similar situation, a list of people who have escaped to El Salvador.

Now these are just two counties that I happen to represent. There must be thousands of people across the country who have escaped prosecution by being able to go to a country that does not have a reciprocal agreement with the United States.

Mr. Chairman, all we are asking that we do is to have the resources within the Justice Department to enable State and local police departments and prosecutorial offices to be able to pur-

sue these people. Ultimately I would like to do something with foreign aid that says that rather than the millions of dollars we are giving to El Salvador and asking for very little in return, that at the very least we ask for reciprocal agreements so they send these people, these criminals, back to this country so they can be prosecuted.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I think the gentleman from Virginia [Mr. MORAN] is offering a very constructive amendment to this bill. I wholeheartedly concur in it, and I will join with him in voting for this amendment and encourage my colleagues to do so. It is perfectly acceptable on our side.

Mr. MORAN. Mr. Chairman, I thank the gentleman from Florida.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. HORN

Mr. HORN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HORN: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirements of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

Mr. HORN. Mr. Chairman, this proposal is bipartisan in origin. I have nine cosponsors: The gentleman from California [Mr. BEILENSEN], the gentleman from California [Mr. BILBRAY], the gentleman from California [Mr. CONDIT], the gentleman from California [Mr. GALLEGLY], the gentleman from Michigan [Mr. KNOLLENBERG], the gentleman from California [Mr. MOORHEAD], the gentleman from New Jersey [Mr. SAXTON], the gentlewoman from Florida [Mrs. THURMAN], and the gentlewoman from California [Ms. WOOLSEY].

What this does is asks the President, advises him, to begin negotiations, negotiations no later than 90 days after

the date of enactment of this act of the bilateral prisoner transfer treaties, and the focus is on expediting the transfer of aliens unlawfully in the United States to ensure that the transferred prisoner goes back to the country from which he illegally came, and that he serves the balance of the sentence imposed by the U.S. courts, and to eliminate any requirement of prisoner consent to such transfer, and then we ask the President, after that negotiation, to submit to Congress annually a certification as to whether or not the prisoner transfer treaties in force are effective in returning aliens unlawfully in this country who have committed offenses for which they are incarcerated in the United States.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. This is a very good amendment, certainly acceptable on my side. I hope it is acceptable to the gentleman from New York and the gentleman from Michigan. We find this to be a noncontroversial amendment and agree to accept it.

Mr. HORN. Mr. Chairman, I am delighted to say that the gentleman from Michigan [Mr. CONYERS] did consent to this amendment.

Mr. Chairman, at this point in my remarks I submit for the RECORD the text of a statement concerning the amendment.

The statement referred to is as follows:

Mr. Chairman, today, I rise to offer an amendment to H.R. 668, the Criminal Alien Deportation Act. Bipartisan cosponsors include Mr. BEILENSEN, Mr. BILBRAY, Mr. CONDIT, Mr. GALLEGLY, Mr. KNOLLENBERG, Mr. MOORHEAD, Mr. SKELTON, Mrs. THURMAN, and Ms. WOOLSEY.

The amendment urges the President to renegotiate the existing bilateral Prisoner Transfer treaties with Mexico and other countries which have large numbers of criminal aliens in United States prisons. Specifically, the President needs to ensure that a transferred prisoner serves out the balance of the sentence imposed by Federal and State courts, and to eliminate any requirement of prisoner consent to such a transfer.

Current treaty language stipulates that incarcerated aliens must consent to their transfer. This is an outrageous option to provide those who have not only crossed our borders illegally but who have also committed crimes while they have been here.

Many States, including California, will no longer release incarcerated aliens for deportation, prior to the completion of their sentence, because there are no guarantees that they will serve out the remainder of the sentence upon transfer. In many cases, these criminals have returned to the United States to commit additional crimes.

Currently, the American taxpayer is paying the toll twice—for the crimes committed here and for the cost of housing alien inmates in our already overcrowded prison system. The Federal Bureau of Prisons reports that approximately 24 percent of those in Federal

prisons are non-U.S. citizens, at a cost per inmate of \$20,803 per year. Expenses associated with the arrest, prosecution, court proceedings, housing, and parole supervision of these criminal aliens are estimated to cost California approximately \$475 million for fiscal year 1995. Last year the estimate was between \$350 and \$375 million.

Mr. Speaker, the House has debated, at length, the issue of reimbursement to States for the incarceration of criminal aliens. Last year's crime bill authorized a reimbursement plan of \$1.8 billion over the next 6 years to offset State costs. As we can see these costs will only continue to escalate. It is futile for Congress to simply react, rather than prevent, the problems resulting from criminal aliens. Without addressing the need to renegotiate the prisoner transfer treaties, all proposed remedies are nothing more than one bag of sand trying to stop the waters released by a ruptured dam.

These treaties have not been addressed since 1976, almost two decades ago. The language that currently exists is insufficient and has not yielded effective results. The treaties are outdated and it is time we change our approach.

I think the majority and minority leadership for accepting this long overdue proposal.

□ 1440

The CHAIRMAN. Is the gentleman from New York [Mr. SCHUMER] seeking time in opposition to the amendment?

Mr. SCHUMER. Mr. Chairman, I am not opposed, but I wish to seek time.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. SCHUMER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in opposition to this legislation because it is written so broadly that our Government will inevitably use it to send political and religious refugees back to their oppressors. As such, it is at odds with our Nation's highest traditions and goes well beyond what is needed to protect the American people from criminals.

No reasonable person wants to see criminals go free. No citizen wants to see the United States become a haven for criminals from around the world. No taxpayer wants to get stuck with the tab for the upkeep of criminals who come here to prey on Americans.

If this bill provided simply for the detention of criminals, there would be no controversy.

If this bill provided simply for the deportation of violent felons, there would be no debate.

Existing law already provides for this. In fact, criminals are detained and deported every day.

But this bill provides near-summary deportation of people without so much as a hearing to determine whether the individual is a legitimate refugee, that is someone who has fled his or her homeland because of a well founded fear of persecution.

This is something that should be of profound concern to each of us. Many

of our families came here fleeing persecution and extermination. As the representative of more holocaust survivors and their children than any Member of this body, I can tell you that the memory of people being sent back to die in the Nazi concentration camps by our Government is still vivid and bitter in the communities I represent.

People should be punished for their crimes, but do we want to have the death penalty for car theft? That is what this bill would do. A person convicted of trafficking in stolen cars could be deported and could not even have a court hear evidence that he would be persecuted or murdered if deported.

Is that really what our constituents want? Send car thieves summarily back to the Nazis? Is that what America stands for?

Sure we want to be protected from criminals. I can tell you that I have to walk on the streets of New York and Washington just like my neighbors. I am not immune from crime. My family is not immune. But there is no need for us to behave in such a senselessly barbarous manner. Let us enforce the laws, but let us do it right and let us not lose sight of who we are or what this country is about.

Mr. SCHUMER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HORN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. HORN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the last section?

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment, designated No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CUNNINGHAM: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] is recognized for 10 minutes in support of his amendment.

Mr. CUNNINGHAM. Mr. Chairman, my amendment requires the Attorney General and the Commissioner of the INS to develop and implement a program for interior repatriation.

This amendment is in line with recommendations of the Jordan Commission which concluded,

In the case of Mexico, repatriation of deported criminal aliens to the area of Mexico from which they came, rather than simply to the border. Removals should be done in coordination with Mexican authorities who may then determine if there is a warrant for the arrest of the criminal alien for crimes committed in Mexico.

The Jordan Commission concluded that interior repatriation "increases the cost and logistical difficulty to criminal aliens who try to reenter the United States. Interior repatriation can be a deterrent * * *"

One of the biggest problems we face with illegal immigration is that we are fighting the same battle over and over again. Every night, the Border Patrol picks up many of the same aliens, processes them, and drives them to the border gate. Within hours, the same aliens are crossing the border again.

The INS announced this week their intention of establishing a pilot program in the area of interior repatriation. They are planning a limited trial of voluntary interior repatriation, for those involved in deportation hearings. While this is a step in the right direction, I believe we need to be bolder.

My amendment is straightforward. Within 6 months of enactment the Justice Department and the INS need to get a program in place. Aliens from Canada or Mexico who have entered this country illegally at least three times are to be returned to locations not less than 500 kilometers from the border.

In the midst of this larger debate over criminal aliens, we should not forget that illegal immigration is itself a crime. Each and every alien who enters this country illegally has broken our laws and is in fact a criminal alien.

I believe this amendment will help to stem the tide of illegal immigration and I urge its adoption by the Committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in support of this amendment. Let me just say as an individual who lives on the Mexican border, or very close, I look out my front doorstep and I can see the bull ring by the sea in Tijuana, the northern side, the fact is that it is very frustrating for everyone, including the law enforcement agencies that have to enforce our laws, but especially the citizens that have chosen their home to happen to be in the corner of our Nation. But too often it is treated almost as if we are not part of this Nation.

Mr. Chairman, I strongly support the Cunningham amendment for the reason that the revolving door that we find on the border has to be stopped. Frankly, I think we could get a lot more attention from our neighbors to the south about this problem if we could make

sure that those who are chronic crossers could be returned all the way to the Federal District so that they would see in Mexico City exactly what we that live along the border have to confront.

Let me close by saying, Mr. Chairman, that this is not just a problem that impacts those of us who live on the north side of the frontier. The citizens of Baja California Norte and citizens of Mexico along the border suffer again and again from the crime and the smuggling activity that this bill is trying to address. I think for those of us that live on both sides of the border along our frontiers, we need to be represented with this amendment, and I strongly ask Members to adopt this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California [Mr. BILBRAY] was not only a mayor in south San Diego, but also was a county commissioner, and has the expertise in this area and has seen it as well as we have in north San Diego County.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I was concerned. Let me first say I am in support of the bill in general, and I am in support of the provisions of having aliens who commit crimes be deported. But I am wondering now on the question of Mexico's sovereignty and how you impose this kind of a situation? Maybe I missed that part of the gentleman's statement. Is this an agreement that you hope will be signed in Mexico determining where the person must be deported to?

Mr. CUNNINGHAM. If the gentleman will yield, first of all, the Jordan Commission recommended that the 500 kilometers be adopted; second, that there would be a negotiation with the host country, whether it be Canada or Mexico, where that would be resolved. I will not restate the problem. All we are trying to do is have them repatriated deep into the interior so they do not turn around and come back the next night.

The CHAIRMAN. If there are no further requests for time, the question is on the amendment of the gentleman from California [Mr. CUNNINGHAM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FOLEY: At the end insert the following section (and conform the table of contents accordingly):

SECTION 14. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

“(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

“(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

“(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

“(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense, and (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

“(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly and expanded penalties for aliens deported under paragraph (2).”

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

“(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.”

The CHAIRMAN. The gentleman from Florida is recognized for 10 minutes in support of his amendment.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I will make the gentleman a deal here. If the gentleman will speak for less than 1 minute, we will not oppose the amendment and we will not call a vote, so we can get Members out of here. It is a bipartisan group asking for that.

Mr. FOLEY. Mr. Chairman, I rise in support of this amendment. I am being supported by my good colleague, the gentleman from North Carolina [Mr. BURR]. We hope to provide for early release and deportation of criminals within our prison system who have committed crimes of a nonviolent manner. Currently we have an overcrowding in all of our prisons, both State and Federal. This would provide the U.S. attorney and the Attorney General to be able to release those and send them home prior to the completion of their sentence.

Mr. Chairman, I rise today to offer an amendment to H.R. 668 with my colleague from North Carolina, Congressman BURR.

The purpose of our amendment is to authorize the Attorney General to deport criminal aliens who have been convicted of nonviolent offenses before the completion of their prison sentence in Federal or State prisons.

This problem is especially pervasive at the State level. For example, the State of Florida has approximately 5,504 criminal aliens in State corrections facilities on any given day, annually costing Florida taxpayers on average more than \$14,000 per inmate. Therefore, the U.S. Attorney General will work in conjunction with the States to determine which nonviolent criminal aliens will be deported.

Our amendment also establishes stiff penalties for deported aliens who return to the United States. They will be forced to serve the remainder of their original sentence, plus expanded penalties for reentry under current law, with no possibility of parole or supervised release. Any alien who is deported pursuant to this provision will be notified of these penalties at the time of their deportation.

The reason we are offering this amendment is twofold: to keep violent criminals in jail and to save taxpayer dollars for the incarceration of nonviolent criminal aliens.

In the face of soaring crime rates and overcrowded prisons, law enforcement officials are releasing criminals, many of whom are violent offenders, before they have been justly punished. On average, State inmates who have been convicted of any offense only serve about 40 percent of their sentence. This sobering realization is a tragedy for America.

The question we are asked today is no longer “Do we have to release criminals early?” Rather, it has become, “Which criminals do we release early?” This is a sad commentary on our criminal justice system, but today we have the opportunity to change this mindset and ensure that violent criminals are kept where they belong: behind bars.

Our prison system is failing to adequately protect U.S. citizens from violent criminals.

Revolving door syndrome: releasing murderers, rapists, child molesters back into our neighborhoods before they have served their time, only to commit another crime.

How many times have we heard the consequences of their release on the evening news or in the local newspaper?

I call your attention to a newspaper headline about the senseless murder of a Florida State student and the rape of his sister in Ocala, FL. One of the men charged with the vicious attack was on early release from an overcrowded Florida prison where he was serving time for a grand theft conviction. He had an arrest record dating back to 1985, for charges ranging from contempt of court to burglary and grand theft.

The question we must ask ourselves today is how can we bring some order back to our criminal justice system?

The amendment Congressman BURR and I have offered addresses one aspect of this problem.

As many of my colleagues are aware, criminal aliens have flooded our prisons in recent years. We provide them with clothes, food, and a bed—all at taxpayer expense.

One in four Federal inmates are not U.S. citizens, costing American taxpayers more

than \$400 million annually. (Justice Department.)

The number of noncitizens in U.S. prisons has nearly tripled in the past 5 years. (U.S. Bureau of Prisons.)

Nonviolent criminal aliens are using scarce prison space which should be used for violent criminals. Under our amendment, approximately 15,774 criminal aliens would be eligible for deportation.

This problem is underscored by the inability of the Immigration and Naturalization Service [INS] to effectively deport criminal aliens after they serve their sentence; under current law, they must complete their sentence before deportation.

Most aliens are notified by mail about their deportation date. Not surprisingly, they rarely show up for scheduled deportation.

In fact, the INS has a list of more than 48,000 fugitives who failed to show up for their scheduled deportation.

Our amendment would expedite the deportation process while they are in prison by authorizing the Attorney General to deport nonviolent criminal aliens following their final conviction and before they have completed their sentence.

UNQUALIFIED SUCCESS OF PILOT PROGRAM IN FLORIDA

Approximately 225 alien inmates were deported from Florida prior to completing their sentence, saving State taxpayers more than \$6 million.

Texas comptroller estimates the State could save \$10 million over 5 years in prison costs and \$42.4 million in construction costs by deporting nonviolent criminal aliens.

In these days where priorities are a buzzword in Congress, I ask my colleagues, is the detention of nonviolent criminal aliens truly a priority when we are releasing violent criminals to continue their assault on society?

It is more sensible to deport nonviolent criminal aliens to their own countries, saving taxpayer dollars and reducing the burdens on our Federal and State prison system.

We have a valuable opportunity to calm the fears of Americans and keep violent criminals behind bars.

I want to thank my colleague from North Carolina. We had similar amendments to address the flood of criminal aliens in our prison system and I am glad we have joined together in this endeavor.

Urge colleagues to support the amendment. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BURR TO THE AMENDMENT OFFERED BY MR. FOLEY

Mr. BURR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURR to the amendment offered by Mr. FOLEY: Strike paragraph (2) of the quoted material in section 14(a) and insert the following:

“(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

“(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

“(B) in the case of an alien in the custody of a State (or a political subdivision of a

State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

The CHAIRMAN (during the reading). Without objection, the amendment is considered as read and will be printed in the RECORD.

There was no objection.

□ 1450

Mr. BURR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer a modification to the amendment offered by the gentleman from Florida and myself. In short, this amendment would include alien smuggling in the list of violent offenses that require a criminal alien to complete his sentence prior to execution of a final order of deportation.

I would like to provide you with some facts about criminal aliens you may or may not already know.

Approximately 27 percent of the Federal prison population is considered noncitizens.

The American taxpayer pays almost half a billion dollars per year to feed, clothe, and house these inmates.

Number of noncitizen Federal inmates, 22,326.

Cost per inmate per year, \$20,885.

Cost per year for all noncitizen inmates, \$466 million.

Number of criminal aliens eligible for early deportation under this amendment, 15,774.

Estimated maximum savings if Attorney General deports all eligible criminal aliens, \$329 million.

H.R. 668 is a good bill because it takes major strides toward quick and effective deportation of criminal aliens.

It shortens the Attorney General's time limit for obtaining deportation orders, expands the definition of aggravated felony, and severely limits the types of relief from deportation the Attorney General can provide.

However, it lacks the provisions necessary to deal with the unsettling realities I noted earlier.

Specifically, the Foley-Burr amendment would give the Attorney General the ability, at her discretion, to execute a deportation order of a criminal alien prior to completion of his sentence. However, the Attorney General cannot deport a criminal alien early if the criminal alien has been convicted of a violent offense or, as my modification stipulates, alien smuggling.

By making this distinction, we ensure that the worst of the criminal aliens receive their due punishment while alleviating a weighty financial burden on the taxpayer.

Mr. Chairman, I urge acceptance of this modification which the gentleman from Florida graciously accepts, acceptance of this amendment to H.R. 668, and support for the bill itself.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. BURR. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, we have seen the amendment and can accept it, without any speeches at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BURR] to the amendment offered by the gentleman from Florida [Mr. FOLEY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FOLEY] as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BILIRAKIS) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 668) to control crime by further streamlining deportation of criminal aliens, pursuant to House Resolution 69, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 20, not voting 34, as follows:

[Roll No. 118]

YEAS—380

Abercrombie	Baesler	Barrett (WI)
Ackerman	Baker (CA)	Bartlett
Allard	Baker (LA)	Barton
Andrews	Baldacci	Bass
Archer	Barcia	Bateman
Armey	Barr	Beilenson
Bachus	Barrett (NE)	Bentsen

Bereuter Frelinghuysen
 Beville Frisa
 Bilbray Funderburk
 Bilirakis Furse
 Bishop Gallegly
 Blute Ganske
 Boehlert Gekas
 Boehner Gephardt
 Bonilla Geren
 Bonior Gilchrest
 Bono Gillmor
 Borski Gilman
 Browder Gonzalez
 Brown (CA) Goodlatte
 Brown (OH) Gordon
 Brownback Goss
 Bryant (TN) Graham
 Bryant (TX) Green
 Bunn Gunderson
 Bunning Gutierrez
 Burr Gutknecht
 Burton Hall (TX)
 Buyer Hamilton
 Callahan Hancock
 Calvert Hansen
 Camp Harman
 Canady Hastert
 Cardin Hastings (WA)
 Castle Hayes
 Chabot Hayworth
 Chambliss Hefley
 Chapman Hefner
 Chenoweth Heineman
 Christensen Herger
 Chrysler Hilleary
 Clayton Hinchey
 Clement Hobson
 Clinger Hoekstra
 Coburn Hoke
 Coleman Holden
 Collins (GA) Horn
 Collins (IL) Hostettler
 Combest Hoyer
 Condit Hunter
 Cooley Hutchinson
 Costello Hyde
 Cox Inglis
 Coyne Istook
 Cramer Jackson-Lee
 Crane Jacobs
 Crapo Jefferson
 Cremeans Johnson (CT)
 Cubin Johnson (SD)
 Cunningham Johnson, E. B.
 Danner Jones
 Davis Kanjorski
 de la Garza Kaptur
 Deal Kasich
 DeFazio Kelly
 DeLauro Kennedy (MA)
 DeLay Kennedy (RI)
 Diaz-Balart Kennelly
 Dickey Kildee
 Dicks Kim
 Dingell King
 Dixon Kingston
 Doggett Kleczka
 Dooley Klink
 Doolittle Klug
 Dornan Knollenberg
 Doyle Kolbe
 Dreier LaFalce
 Duncan LaHood
 Dunn Largent
 Durbin Latham
 Ehlers LaTourette
 Ehrlich Laughlin
 Emerson Lazio
 Engel Leach
 English Levin
 Ensign Lewis (CA)
 Eshoo Lewis (GA)
 Evans Lewis (KY)
 Everett Lightfoot
 Ewing Lincoln
 Farr Linder
 Fawell Lipinski
 Fazio Livingston
 Fields (LA) LoBiondo
 Fields (TX) Longley
 Filner Lowey
 Flanagan Lucas
 Foglietta Luther
 Foley Maloney
 Forbes Manton
 Ford Manzullo
 Fowler Markey
 Fox Martinez
 Frank (MA) Martini
 Franks (CT) Mascara
 Franks (NJ) Matsui

McCarthy McCollum
 McCrery McDade
 McHale McHugh
 McInnis McIntosh
 McKeon McKinney
 Meek Menendez
 Meyers Mfume
 Mica Miller (CA)
 Miller (FL) Mineta
 Minge Mink
 Moakley Molinari
 Mollohan Montgomery
 Moorhead Moran
 Morella Murtha
 Myers Myrick
 Neal Nethercutt
 Neumann Ney
 Norwood Norwood
 Nussle Oberstar
 Obey Olver
 Ortiz Ortiz
 Orton Orton
 Oxley Oxley
 Packard Pallone
 Pastor Pastor
 Payne (VA) Payne (VA)
 Pelosi Pelosi
 Peterson (FL) Peterson (FL)
 Peterson (MN) Peterson (MN)
 Petri Petri
 Pickett Pickett
 Pombo Pombo
 Pomeroy Pomeroy
 Porter Porter
 Portman Portman
 Poshard Poshard
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 Quinn Quinn
 Radanovich Radanovich
 Rahall Rahall
 Ramstad Ramstad
 Reed Reed
 Regula Regula
 Richardson Richardson
 Riggs Riggs
 Rivers Rivers
 Roberts Roberts
 Roemer Roemer
 Rogers Rogers
 Rohrabacher Rohrabacher
 Ros-Lehtinen Ros-Lehtinen
 Roth Roth
 Roukema Roukema
 Roybal-Allard Roybal-Allard
 Royce Royce
 Rush Rush
 Sabo Sabo
 Salmon Salmon
 Sanders Sanders
 Sanford Sanford
 Sawyer Sawyer
 Saxton Saxton
 Scarborough Scarborough
 Schaefer Schaefer
 Schiff Schiff
 Schroeder Schroeder
 Schumer Schumer
 Seastrand Seastrand
 Sensenbrenner Sensenbrenner
 Serrano Serrano
 Shadegg Shadegg
 Shays Shays
 Shuster Shuster
 Skaggs Skaggs
 Skeen Skeen
 Skelton Skelton
 Slaughter Slaughter
 Smith (MI) Smith (MI)
 Smith (NJ) Smith (NJ)
 Solomon Solomon

Souder Souder
 Spence Spence
 Spratt Spratt
 Stearns Stearns
 Stenholm Stenholm
 Stockman Stockman
 Stokes Stokes
 Studds Studds
 Upton Upton
 Velazquez Velazquez
 Vento Vento
 Visclosky Visclosky
 Volkmer Volkmer
 Vucanovich Vucanovich
 Waldholtz Waldholtz
 Walker Walker
 Walsh Walsh
 Wamp Wamp
 Ward Ward

Waters Waxman
 Waxman Waxman
 Weldon (PA) Weldon (PA)
 Weldon (FL) Weldon (FL)
 Weller Weller
 White White
 Whitfield Whitfield
 Wicker Wicker
 Wilson Wilson
 Wise Wise
 Wolf Wolf
 Wyden Wyden
 Wynn Wynn
 Yates Yates
 Young (AK) Young (AK)
 Young (FL) Young (FL)
 Zeliff Zeliff
 Zimmer Zimmer

REPORT ON H.R. 889, DEPARTMENT OF DEFENSE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1995

Mr. LIVINGSTON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104-29) on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, my request is for the purpose of inquiring about the schedule.

I yield to the distinguished majority leader to inquire about the schedule for the rest of this week and next week.

Mr. ARMEY. I thank the gentleman for yielding. Let me thank the gentleman again, another week, for your patience and for all the cooperation that we have on both sides of the aisle with moving this very difficult agenda.

With respect to next week, on Monday, February 13, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for the legislative business.

We will take up the rule for H.R. 728, the Local Government Law Enforcement Block Grants Act and then move into general debate. We expect no votes before 5 p.m. on Monday. However, Members should be advised that the House may work late on Monday night.

On Tuesday, February 14, the House will meet at 9:30 a.m. for morning hour and at 11 a.m. for legislative business. We expect to complete consideration of H.R. 728 on Tuesday, so Members should be advised that the House may also work late on Tuesday night. However, let me just say that Tuesday is a very special day for many of us and we have high hopes of being out at an early enough hour so that we can go to dinner with that person with respect to whom we hold the greatest affection.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Indiana.

Mr. ROEMER. The gentleman and I had an interesting conversation last week on the family friendly agenda, and he told me that he had a date last Friday with his lovely wife Susan. I hope the gentleman made that date and had a great time, and I hope that he can give the House assurances, concrete assurances on Tuesday night that we will be out by a time certain, such as 7, so that he can enjoy some time with Susan once again and all of us can enjoy some time with our loved ones.

We have a resolution that we put forward:

NAYS—20

Clay	Hastings (FL)	Reynolds
Clyburn	Hilliard	Scott
Conyers	McDermott	Thompson
Dellums	Nadler	Towns
Fattah	Owens	Watt (NC)
Flake	Payne (NJ)	Williams
Greenwood	Rangel	

NOT VOTING—34

Ballenger	Gejdenson	Parker
Becerra	Gibbons	Quillen
Berman	Goodling	Rose
Biley	Hall (OH)	Shaw
Boucher	Houghton	Sisisky
Brewster	Johnson, Sam	Smith (TX)
Brown (FL)	Johnston	Smith (WA)
Coble	Lantos	Stark
Collins (MI)	Lofgren	Watts (OK)
Deutsch	McNulty	Woolsey
Edwards	Meehan	
Frost	Metcalfe	

□ 1513

Messrs. SHADEGG, COLEMAN, and BARR and Mrs. MEEK of Florida changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 668, CRIMINAL ALIEN DEPORTATION IMPROVEMENTS ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of H.R. 668.

The SPEAKER pro tempore (Mr. HASTERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR MEMBERS TO FILE AMENDMENTS TO H.R. 728, LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that Members have until 7 p.m. today, February 10, 1995, to file amendments in the RECORD to H.R. 728.

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

There was no objection.