

for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 104-317)".

THE WEST VIRGINIA HYDRO-ELECTRIC PROJECTS ACT OF 1995

BYRD (AND ROCKEFELLER) AMENDMENTS NOS 408-409

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. BYRD (for himself and Mr. ROCKEFELLER) submitted two amendments intended to be proposed by them to the bill (S. 359) to provide for the extension of certain hydroelectric projects located in the State of West Virginia; as follows:

AMENDMENT NO. 408

In section 1(a), strike "6901 and 6902" and insert "6901, 6902, and 7307".

In section 1 (a) and (c), strike "October 3, 1999" each place it appears and insert "September 26, 1999".

AMENDMENT NO. 409

In section ___(a), strike "6901 and 6902" and insert "6901, 6902, and 7307".

In section ___(a) and (c), strike "October 3, 1999" each place it appears and insert "September 26, 1999".

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on Tuesday, April 4, 1995, at 10 a.m., in room 216 of the Hart Senate Office Building. The focus of the hearing is the Small Business Administration's 8(a) Minor Business Development Program.

For further information, please contact Paul Cooksey at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 21, at 9:30 a.m., in SDG-50, to discuss the confirmation of Agriculture Secretary-Designee Daniel Robert Glickman. The continuation of this nomination hearing, if necessary, will take place on Wednesday, March 22, at 9:30 a.m., in SR-332, and Thursday, March 23, at 9:30 a.m. in SR-332.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 22, 1995, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to review the findings of a report prepared for the Committee on the clean-up of the Hanford Nuclear Reservation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on Wednesday, March 22, at 9:30 a.m. on the impact of regulatory reform proposals on environmental and other laws within the jurisdiction of the Committee.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 22, 1995, at 2 p.m. to hold a business meeting to vote on pending items.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 22, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 441, a bill to reauthorize Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act, and S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes.

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

SUBCOMMITTEE ON SECURITIES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 1995, to conduct a hearing on securities litigation reform proposals.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Finance Committee be permitted to meet Wednesday, March 22, 1995, beginning at 10 a.m. in room SD-215, to conduct a hearing on

the soaring costs of Social Security's two disability programs.

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

ADDITIONAL STATEMENTS

THE ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1995

● Mrs. FEINSTEIN. Mr. President, yesterday I introduced and spoke on the Illegal Immigration Control and Enforcement Act of 1995.

As I indicated then, I look forward to working with all of my colleagues on the Immigration Subcommittee, Judiciary Committee and in the full Senate to craft comprehensive legislation in this session of Congress to stop illegal immigration. I believe that the widest possible dissemination of my bill, and of all other responsible proposals, will help us meet that goal.

I ask that the text of my legislation, S. 580, be printed in today's RECORD.

The bill follows:

S. 580

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Immigration Control and Enforcement Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT

PART A—INCREASED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

Sec. 111. Border Patrol expansion and deployment.

Sec. 112. Hiring preference for bilingual Border Patrol agents.

Sec. 113. Improved Border Patrol training.

Sec. 114. Border equipment and infrastructure improvement authority.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

Sec. 121. Additional land border inspectors.

PART C—DETENTION AND DEPORTATION

Sec. 131. Bar to collateral attacks on deportation orders in unlawful reentry prosecutions.

Sec. 132. Form of deportation hearings.

Sec. 133. Deportation as a condition of probation.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

Sec. 141. Expansion in definition of "aggravated felony".

Sec. 142. Restricting defenses to deportation for certain criminal aliens.

Sec. 143. Denial of discretionary relief to aliens convicted of aggravated felonies.

Sec. 144. Judicial deportation.

Sec. 145. Negotiations for international agreements.

Sec. 146. Annual report.

Sec. 147. Admissibility of videotaped witness testimony.

TITLE II—ILLEGAL IMMIGRATION
INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

- Sec. 211. Authority to States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
- Sec. 212. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
- Sec. 213. Sponsorship enhancement.
- Sec. 214. State option under the medicaid program to place anti-fraud investigators in hospitals.
- Sec. 215. Ports-of-entry benefits task force demonstration projects.

PART B—EMPLOYER SANCTIONS SUPPORT

- Sec. 221. Additional Immigration and Naturalization Service investigators.
- Sec. 222. Enhanced penalties for unlawful employment of aliens.
- Sec. 223. Earned income tax credit denied to individuals not authorized to be employed in the United States.
- Sec. 224. Enhanced minimum criminal penalties for extortion or involuntary holding of aliens engaged in unlawful employment.
- Sec. 225. Work authorization verification.

PART C—ENHANCED WAGE AND HOUR LAWS

- Sec. 231. Increased personnel levels for the Labor Department.
- Sec. 232. Increased number of Assistant United States Attorneys.

TITLE III—ENHANCED SMUGGLING
CONTROL AND PENALTIES

- Sec. 301. Minimum criminal penalties for alien smuggling.
- Sec. 302. Expanded forfeiture for smuggling or harboring illegal aliens.
- Sec. 303. Wiretap authority for alien smuggling investigations.
- Sec. 304. Limitation on section 212(c) authority.
- Sec. 305. Effective date.

TITLE IV—ADMISSIONS AND DOCUMENT
FRAUD CONTROL

- Sec. 401. Minimum criminal penalties for document fraud.

TITLE V—BORDER CROSSING USER FEE

- Sec. 501. Immigration Law Enforcement Fund.

TITLE I—ILLEGAL IMMIGRATION
CONTROL AND ENFORCEMENT

PART A—INCREASED BORDER PATROL,
SUPPORT, TRAINING, AND RESOURCES

SEC. 111. BORDER PATROL EXPANSION AND DEPLOYMENT.

(a) INCREASED NUMBER OF BORDER PATROL POSITIONS.—Subject to subsection (b), in each of the fiscal years 1996, 1997, and 1998, the Attorney General—

(1) shall increase by no fewer than 700 the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year; and

(2) may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion

to the level of illegal intrusion measured in each sector during the preceding fiscal year and reasonably anticipated in the next fiscal year, and shall be actively engaged in (or in support of) law enforcement activities related to the illegal crossing of the borders of the United States.

SEC. 112. HIRING PREFERENCE FOR BILINGUAL
BORDER PATROL AGENTS.

The Attorney General shall, in hiring the Border Patrol Agents specified in section 111(a), give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such Agents are likely to be deployed.

SEC. 113. IMPROVED BORDER PATROL TRAINING.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

“(e)(1) The Attorney General shall ensure that all Border Patrol personnel, and any other personnel of the Service who are likely to have contact with undocumented or improperly documented persons, or other immigrants, in the course of their official duties, receive in-service training adequate to ensure that all such personnel respect the rights, personal safety, and dignity of such persons at all times.

“(2) The Attorney General shall ensure that the annual report to Congress of the Service—

“(A) describes in detail actions taken by the Attorney General to meet the requirement set forth in paragraph (1);

“(B) incorporates specific findings by the Attorney General with respect to the nature and scope of any verified incident of conduct by Border Patrol personnel that—

“(i) was not consistent with paragraph (1); and

“(ii) was not described in a previous annual report; and

“(C) sets forth specific recommendations for preventing any similar incident in the future.”.

SEC. 114. BORDER EQUIPMENT AND INFRA-
STRUCTURE IMPROVEMENT AU-
THORITY.

(a) IMPROVED EQUIPMENT AND TECHNOLOGY.—In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

(b) IMPROVED INFRASTRUCTURE.—(1) The Attorney General may, from time to time, in consultation with the Secretary of the Treasury, identify those physical improvements to the infrastructure of the international land borders of the United States necessary to expedite the inspection of persons and vehicles attempting to lawfully enter the United States in accordance with existing policies and procedures of the Immigration and Naturalization Service, the United States Customs Service, and the Drug Enforcement Agency.

(2) Such improvements to the infrastructure of the land border of the United States shall be substantially completed and fully funded in those portions of the United States where the Attorney General, in consultation with the Committees on the Judiciary of the House of Representatives and the Senate, objectively determines the need to be greatest or most immediate before the Attorney Gen-

eral may obligate funds for construction of any improvement otherwise located.

PART B—EXPANDED BORDER INSPECTION
PERSONNEL, SUPPORT, AND FACILITIES

SEC. 121. ADDITIONAL LAND BORDER INSPEC-
TORS.

(a) INCREASED PERSONNEL.—In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and Secretary of the Treasury shall increase, by approximately equal numbers in each of the fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes now in use, under construction, or whose construction has been authorized by Congress.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General and the Secretary of the Treasury shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the number of land border crossings measured in each such sector during the preceding fiscal year.

PART C—DETENTION AND DEPORTATION

SEC. 131. BAR TO COLLATERAL ATTACKS ON DE-
PORTATION ORDERS IN UNLAWFUL
REENTRY PROSECUTIONS.

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 any 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 has exhausted any administrative remedies that may have been available to seek relief against such 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.”.

SEC. 132. FORM OF 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 sentence precludes 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”.

SEC. 133. DEPORTATION AS A CONDITION OF
PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting “; or”; and

(3) by adding at the end the following: “(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 143 of this Act, except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.”.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

SEC. 141. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended as follows:

(1) in paragraph (D), strike "\$100,000" and insert "\$10,000"; and

(2) in paragraphs (F), (G), and (O) strike "the term of imprisonment imposed is at least 5 years" and all parenthetical text appearing within that phrase, and insert "punishable by imprisonment for 3 years or more";

(3) in paragraph (J)—

(A) strike "for which a sentence of 5 years' imprisonment or more may be imposed" and insert "punishable by imprisonment for 3 years or more"; and

(B) strike "offense described" and insert "offense described in sections 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), and";

(4) in paragraph (K)—

(A) strike "or" after the semicolon in subparagraph (i);

(B) insert "or" after the semicolon in subparagraph (ii); and

(C) insert, as new subparagraph (iii), "is described in sections 2421, 2422 or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage.";

(5) in paragraph (L), insert as new subparagraph (iii): "section 601 of the National Security Act of 1947, title 50, United States Code (relating to protecting the identity of undercover agents);

(6) in paragraph (M) strike "\$200,000" and insert "\$10,000".

(7) redesignate paragraphs (P) and (Q) as paragraphs (R) and (S), respectively, and add—

(A) as new paragraph (P) the following: "any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, which is punishable by imprisonment for 3 years or more"; and

(B) as new paragraph (Q) the following: "any offense relating to perjury or subornation of perjury which is punishable by imprisonment for 3 years or more;" and

(8) in redesignated paragraph (R), strike "15" and insert "5".

(b) EFFECTIVE DATE.—The amendment made by this section applies to convictions entered before, on, or after the date of enactment of this Act.

SEC. 142. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."

SEC. 143. DENIAL OF DISCRETIONARY RELIEF TO ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) INELIGIBILITY FOR SUSPENSION OF DEPORTATION.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(g) Suspension of deportation and adjustment of status under subsection (a)(2) shall not be available to any alien who has been convicted of an aggravated felony."

(b) APPLICATION OF EXCLUSION FOR DRUG OFFENSES.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended in the second sentence by inserting "or any other aggravated felony" after "torture".

(c) ADJUSTMENT OF STATUS; CHANGE OF NONIMMIGRANT CLASSIFICATION.—(1) Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking "or" after "section 212(d)(4)(C)"; and

(B) by inserting "; or (5) an alien who has been convicted of an aggravated felony" immediately after "section 217".

(2) Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) an alien convicted of an aggravated felony."

SEC. 144. JUDICIAL DEPORTATION.

Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

"(A) whose criminal conviction causes such alien to be conclusively presumed to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

"(B) who has at any time been convicted of a violation of section 276 (a) or (b) of the Immigration and Nationality Act;

"(C) who has at any time been convicted of a violation of section 275 of the Immigration and Nationality Act; or

"(D) who is otherwise deportable pursuant to sections 241(a)(1)(A) through 241(a)(5), inclusive, of the Immigration and Nationality Act (8 U.S.C. 1251).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act."; and

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

"(5) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation."

SEC. 145. NEGOTIATIONS FOR INTERNATIONAL AGREEMENTS.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—The Secretary of State, together with the Attorney General, may enter into an agreement with any foreign country providing for the incarceration in that country of any individual who—

(1) is a national of that country; and

(2) is an alien who—

(A) is not in lawful immigration status in the United States, or

(B) on the basis of conviction of a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the individual was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such individual pursuant to parole procedures of that country.

(b) PRIORITY.—In carrying out subsection (a), the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of individuals described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such individuals in the United States.

(c) It is the sense of the Congress that, effective on the date of enactment of this Act, no new treaty providing for the transfer of aliens from Federal or State incarceration facilities to a foreign incarceration facility should permit the prisoner to refuse the transfer.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 146. ANNUAL REPORT.

Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies;

(2) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(3) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 147. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by adding at the end thereof the following:

"(d) Notwithstanding the provisions of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States or is otherwise unable to testify may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence."

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

SEC. 211. AUTHORITY TO STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions are not inconsistent with the eligibility requirements for comparable Federal programs or are less restrictive. For the purposes of this section, attribution to an alien of a sponsor's income and resources for purposes of determining the eligibility for and amount of benefits of an alien shall be considered less restrictive than a prohibition of eligibility.

SEC. 212. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

“§ 506. Seals of departments or agencies

“(a) Whoever—

“(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

“(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

“(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

“(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

“(1) so forged, counterfeited, mutilated, or altered;

“(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

“(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

“(c) For purposes of this section—

“(1) the term ‘Federal benefit’ has the meaning given such term under section 293(c)(1);

“(2) the term ‘unlawful alien’ has the meaning given such term under section 293(c)(2); and

“(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.”.

SEC. 213. SPONSORSHIP ENHANCEMENT.

(a) IN GENERAL.—An alien who—

(1) is excludable under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4));

(2) has not given a suitable bond (as described in section 213 of the Immigration and Nationality Act (8 U.S.C. 1183)); and

(3) is otherwise admissible into the United States;

may only be admitted into the United States when sponsored by an individual (referred to

in this section as the alien's “sponsor”) who enters into a legally binding contract with the United States that guarantees financial responsibility for the alien until such alien becomes a United States citizen.

(b) CONTRACT ENHANCEMENT.—

(1) IN GENERAL.—A contract described in subsection (a) shall provide—

(A) that the sponsor shall be liable for any costs incurred by any Federal, State, or political subdivision of a State for general public cash assistance provided to such alien;

(B) that the sponsor shall—

(i) within 20 days of the alien's admission into the United States, purchase a policy of private health insurance (which meets the minimum guidelines established under paragraph (2)) on behalf of such alien and provide the Immigration and Naturalization Service with proof of such purchase; and

(ii) make any necessary premium payments for such policy on behalf of such alien for the duration of the sponsor's responsibility under the contract; and

(C) that the sponsor's responsibility under the contract will continue until the date on which the alien becomes a citizen of the United States.

(2) GUIDELINES FOR HEALTH INSURANCE POLICIES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services, after notice and opportunity for public comment, shall establish minimum guidelines with respect to private policies of health insurance required under paragraph (1)(B)(i) that—

(A) specify the coverage and type of the insurance required; and

(B) provide that the Attorney General shall be given notice if the policy lapses or the scope of the coverage changes prior to the end of the sponsor's responsibility under the contract.

(c) ENFORCEMENT.—

(1) IN GENERAL.—If general public cash assistance or medical assistance under a State plan for medical assistance approved under section 1902 of the Social Security Act (42 U.S.C. 1396a) is provided to a sponsored alien, the Attorney General, a State, or a political subdivision of a State may bring a civil suit against the sponsor in the United States district court for the district in which the sponsor resides for the recovery of any costs incurred by any Federal, State, or political subdivision of a State in providing such cash benefits or medical assistance provided to such alien.

(2) DEPORTATION.—The failure of a sponsor to comply with the terms of the contract described in subsection (b)(1)(B) may, subject to the contract, be grounds for deportation of the sponsored alien in accordance with the provisions of the Immigration and Naturalization Act and the deportation procedures applicable under such Act.

(d) EXCEPTIONS TO LIABILITY.—A sponsor or a sponsor's estate shall not be liable under a contract described in subsection (a) if the sponsor—

(1) dies;

(2) if the sponsor's family becomes impoverished as determined by the official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 applicable to the family of the size involved) due to unforeseeable circumstances; or

(3) is a debtor under title 11, United States Code, as such term is defined in section 101 of such title.

(e) PUBLIC CHARGE TEST.—The Attorney General shall record the use of sponsorship by immigrant applicants to meet the public charge test for admission to the United States set forth in section 212(a)(4) of the Im-

migration and Naturalization Act (8 U.S.C. 1182(a)(4)).

(f) EFFECTIVE DATE.—This section shall apply with respect to initial sponsorship-based applications for legal admission into the United States received on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 214. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking “and” at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting “and”; and

(3) by adding after paragraph (62) the following new paragraph:

“(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the option of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.”.

(b) PAYMENT.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) by striking “plus” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “plus”; and

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

“(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which are attributable to operating a program under section 1902(a)(63).”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 215. PORTS-OF-ENTRY BENEFITS TASK FORCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—

(1) PROJECT DESCRIBED.—The Attorney General shall make grants to States to conduct demonstration projects in accordance with subsection (b) for the purpose of establishing and operating a task force at one or more southwestern ports-of-entry located in a State in order to—

(A) detect individuals attempting to enter the United States to illegally obtain Federal or State benefits; and

(B) identify individuals who have previously illegally obtained such benefits.

(2) SOUTHWESTERN PORT-OF-ENTRY.—For purposes of this section, the term “southwestern port-of-entry” means an official entry point along the southwestern land border of the continental United States.

(b) REQUIREMENTS OF PROJECT.—A project conducted in accordance with this subsection shall provide that a task force under the project shall—

(1) interview and investigate an individual entering into the United States at a southwestern port-of-entry if the individual is suspected of being an individual described in subparagraphs (A) or (B) of subsection (a)(1) (as determined by comparing the entering individual with a profile (developed by the task force) of individuals described in such subparagraphs); and

(2) integrate the computer systems of the Immigration and Naturalization Service and the agency administering the State plan for medical assistance approved under section

1902 of the Social Security Act (42 U.S.C. 1396a) in order to detect individuals described in subparagraphs (A) and (B) of subsection (a)(1) prior to the individual's entry into the United States at a southwestern port-of-entry.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each State desiring to conduct a demonstration project under this section shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to States that desire to establish demonstration projects at southwestern ports-of-entry that—

(A) have the highest numbers of legal crossings attempted in fiscal year 1995;

(B) have the highest numbers of illegal aliens determined by the Attorney General to be resident in the State in which the southwestern port-of-entry is located; and

(C) meet such other factors as the Attorney General determines are reasonably related to maximizing the degree to which Federal and State benefits fraud may be reduced through operation of the project.

(d) SCOPE AND LOCATION.—The Attorney General shall authorize demonstration projects in not less than 6 southwestern ports-of-entry under this section.

(e) DURATION.—A demonstration project under this section shall be conducted for a period not to exceed 2 years.

(f) REPORTS.—A State that conducts a demonstration project under this section shall prepare and submit to the Attorney General annual and final reports in such form and containing such information as the Attorney General may require.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in fiscal years 1996 and 1997 for the purpose of conducting demonstration projects in accordance with this section.

PART B—EMPLOYER SANCTIONS SUPPORT

SEC. 221. ADDITIONAL IMMIGRATION AND NATURALIZATION SERVICE INVESTIGATORS.

(a) INVESTIGATORS.—The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional investigators and staff as may be necessary to aggressively enforce existing sanctions against employers who employ workers in the United States illegally or who are otherwise ineligible to work in this country.

SEC. 222. ENHANCED PENALTIES FOR UNLAWFUL EMPLOYMENT OF ALIENS.

(a) HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended—

(1) in clause (i), by striking "\$250" and "\$2,000" and inserting "\$1,000" and "\$3,000", respectively;

(2) in clause (ii), by striking "\$2,000" and "\$5,000" and inserting "\$3,000" and "\$7,000", respectively; and

(3) in clause (iii), by striking "\$3,000" and "\$10,000" and inserting "\$7,000" and "\$20,000", respectively.

(b) PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f) of such Act is amended by striking "\$3,000" and "six months" and inserting "\$9,000" and "two years".

SEC. 223. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES.

(a) IN GENERAL.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to indi-

viduals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse."

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (II)) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act."

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by inserting after subparagraph (E) the following new subparagraph:

"(F) an omission of a correct taxpayer identification number required under section 23 (relating to credit for families with younger children) or section 32 (relating to the earned income tax credit) to be included on a return."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 224. ENHANCED MINIMUM CRIMINAL PENALTIES FOR EXTORTION OR INVOLUNTARY HOLDING OF ALIENS ENGAGED IN UNLAWFUL EMPLOYMENT.

(a) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 274C the following new section:

"CRIMINAL PENALTIES FOR EXTORTION OF ALIENS ENGAGED IN UNLAWFUL EMPLOYMENT

"SEC. 274D. (a) ACTIVITIES PROHIBITED.—Any person who, by threatening to disclose the immigration status of an individual known or suspected not to be a lawful resident of the United States to any Federal, State or local government agency or employee, induces or coerces (or attempts to induce or coerce) that individual to work for unlawfully low compensation, under unlawfully unsafe or unhealthy conditions, or to obtain from or through the person food, shelter, medical care, medicine, transportation, clothing, tools or other devices or equipment, shall be fined in accordance with title 18, United States Code, imprisoned for a first offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years, for each individual so threatened.

"(b) ADJUSTED SENTENCING GUIDELINES.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that an offender convicted of violating, or conspiring to violate, this section shall be assigned a base offense level under the guidelines that is—

"(1) in the case of a first offense, not lower than 26;

"(2) in the case of an offender with one prior felony conviction, not lower than 34; and

"(3) in the case of bodily injury to such alien, a required enhancement of between 2 and 6 offense levels in proportion to the severity of the injury inflicted.

"(c) DEFINITION.—As used in this section, the term 'lawful resident of the United States' includes any person who is—

"(A) a United States citizen or national;

"(B) an alien lawfully admitted to the United States for permanent residence;

"(C) a nonimmigrant alien described in section 101(a)(15);

"(D) an asylee;

"(E) a refugee;

"(F) an alien whose deportation is being withheld under section 243(h);

"(G) a parolee; or

"(H) a Chinese national described in section 2(b) of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) who, as of the date of enactment of this section, has applied for adjustment of status in accordance with such Act."

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 274C the following new item:

"Sec. 274D. Criminal penalties for extortion of aliens engaged in unlawful employment."

SEC. 225. WORK AUTHORIZATION VERIFICATION.

The Attorney General, together with the Secretary of Health and Human Services, shall develop and implement a counterfeiting-resistant system to verify work eligibility and federally-funded public assistance benefits eligibility for all persons within the United States. If the system developed includes a document (designed specifically for use for this purpose), that document shall not be used as a national identification card, and the document shall not be required to be carried or presented by any person except at the time of application for federally funded public assistance benefits or to comply with employment eligibility verification requirements.

PART C—ENHANCED WAGE AND HOUR LAWS

SEC. 231. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 such additional investigators and staff as may be necessary to aggressively enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

SEC. 232. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary to prosecute actions brought under this Act, or intended to directly further Congress' intention to preclude and deter illegal immigration.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

SEC. 301. MINIMUM CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) MINIMUM ALIEN SMUGGLING PENALTIES.—

(1) Section 1324(a)(2)(B) of Title 8, United States Code is amended—

(A) by striking “for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved” and inserting “for each alien in respect to whom a violation of this paragraph occurs”; and

(B) by striking “imprisoned not more than 10 years” and inserting “imprisoned for a first offense not less than two and one half or more than 5 years, imprisoned for a second offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years”;

Pursuant to section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that an offender convicted of smuggling, transporting, or harboring an unlawful alien under dangerous or inhumane conditions in violation of title 18, United States Code, section 1324(a)(2)(B)(ii) shall be assigned a base offense level under chapter 2 of the sentencing guidelines that is—

(1) in the case of a first offense, not lower than 22;

(2) in the case of an offender with one prior felony conviction, not lower than 26;

(3) in the case of an offender with two prior felony convictions, not lower than 32;

(4) in the case of bodily injury to such alien, a required enhancement of between 2 and 6 offense levels in proportion to the severity of the injury inflicted; and

(5) in the case of the death of an alien, not lower than 41.

SEC. 302. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending subsection (b)(1) to read as follows:

“(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of sections 1541, 1542, 1543, 1544, 1545, or 1546 of title 18, United States Code, or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of such sections of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

“(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

“(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

“(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or

agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of section 1546 of title 18, United States Code, which was committed by the owner or which was intended to further the business interests of the owner, or to confer any other benefit upon the owner.”;

(2) in paragraph (2)—

(A) by striking “conveyance” both places it appears and inserting “property”; and

(B) by striking “is being used in” and inserting “is being used in, is facilitating, has facilitated, or was intended to facilitate”;

(3) in paragraph (3)—

(A) by inserting “(A)” immediately after “(3)”, and

(B) by adding at the end the following:

“(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.”;

(4) in paragraphs (4) and (5) by striking “a conveyance” and “conveyance” each place such phrase or word appears and inserting “property”; and

(5) in paragraph (4) by—

(A) striking “or” at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting “; or”, and

(C) by inserting at the end the following new subparagraph:

“(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).”.

SEC. 303. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended in paragraph (c), by inserting after “trains)” the following: “, or a felony violation of section 1425 (relating to the procurement of citizenship or naturalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers)”.

SEC. 304. LIMITATION ON SECTION 212(c) AUTHORITY.

Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by striking the period and inserting “, an alien who has been convicted of an offense described in section 274(a)(1) done for the purpose of commercial advantage or private financial gain, or an alien who has been convicted of an offense described in section 274(a)(2)(B)(ii)”.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall apply to offenses occurring after the date of enactment of this Act.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

SEC. 401. MINIMUM CRIMINAL PENALTIES FOR DOCUMENT FRAUD.

(a) MINIMUM DOCUMENT FRAUD PENALTIES.—(1) Sections 1028, 1425, 1426, 1427 and 1546(a) of title 18, United States Code are amended by striking “not more than 5 years” and inserting “for a first offense not less than two and one half or more than 5 years, imprisoned for a second offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years”.

(b) ADJUSTED SENTENCING GUIDELINES.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that an offender convicted of violating, or conspiring

to violate, sections 1028, 1425, 1426, 1427 and 1546(a) of title 18, United States Code, shall be assigned a base offense level under chapter 2 of the guidelines that is—

(1) in the case of a first offense, not lower than 22;

(2) in the case of an offender with one prior felony conviction, not lower than 26;

(3) in the case of an offender with two prior felony convictions, not lower than 32; and

(4) in the case of procurement, production, transfer, or possession of more than 5 documents or related implements within the scope of this section, a required enhancement of between 1 and 5 offense levels in proportion to the quantity of documents at issue.

TITLE V—BORDER CROSSING USER FEE

SEC. 501. IMMIGRATION LAW ENFORCEMENT FUND.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a revolving fund known as the Immigration Law Enforcement Fund (hereafter in this section referred to as the “Fund”).

(b) BORDER CROSSING USER FEE.—Notwithstanding any other provision of law or treaty to which the United States is a party, the Attorney General, in consultation with the Secretaries of State and the Treasury, and such other parties as the Attorney General deems appropriate, shall collect from each individual entering into the United States by land or sea, without regard to the immigration or citizenship status of such individual a border crossing user fee of \$1.

(c) FEE ADJUSTMENT AND SPECIAL FEE PROGRAM AUTHORITY.—Notwithstanding subsection (b), the Attorney General may—

(1) adjust the border crossing user fee periodically to compensate for inflation and other escalation in the cost of carrying out the purposes of this Act; and

(2) develop and implement special discounted fee programs for frequent border crossers including, but not limited to, commuter coupon books or passes.

(d) AUTHORIZE ROLL-OVER OF FUND SURPLUSES FROM YEAR-TO-YEAR.—There shall be deposited in the Fund amounts received by the Attorney General as fees collected under subsection (b).

(e) USES OF USER FEE FUND.—(1) The Fund shall be available to the Attorney General, to the extent and in the amounts provided in appropriation Acts and without fiscal year limitation, to pay for matters authorized under this Act, as follows:

(A) For additional salaries and expenses incurred by reason of the employment of personnel under this Act, including, but not limited to, Border Patrol, inspection, investigation, enforcement, and security personnel, and adjudication officers.

(B) For costs relating to land border crossing infrastructure improvement.

(C) For costs relating to the acquisition by the Department of Justice of technology and equipment (including, but not limited to, aircraft, helicopters, four wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units).

(D) For the cost of facilitating and expanding the activities of the Organized Crime and Drug Enforcement Interagency Task Force in order to fully abate the flow of narcotics and other illegal drugs into the United States.

(E) For the cost of expediting initial asylum claim review procedures.

(F) For the cost of devising and implementing regulatory reform of the affirmative asylum adjudication process.

(G) For the cost of expanding the Institutional Hearing Program.

(H) For the cost of expanding the Advanced Passenger Information System.

(I) For the cost of increasing rewards for information leading to the arrest and conviction of terrorists.

(J) For the cost of conducting classes, or otherwise assisting or encouraging, legal immigrants to the United States to attain American citizenship.

(K) For the cost of such other activities that, in the discretion of the Attorney General, will reduce: illegal transit of the Nation's borders, the flow of illegal drugs across such borders, the time necessary to process applications for asylum in the United States, and the number of alien criminals incarcerated in this country.

(2) Funds made available under subparagraph (A) in each fiscal year shall be allotted to districts of the Immigration and Naturalization Service in proportion to the amount of illegal immigration in each district as the Attorney General finds to have occurred in the preceding fiscal year and reasonably anticipated in the coming fiscal year.●

AMERICAN CLASS STRUGGLE

● Mr. SIMON. Mr. President, A.M. Rosenthal had a column recently in the New York Times titled "American Class Struggle," that contains a great deal of common sense that we ought to be listening to.

I am uncomfortable when people of either party start moving on economic class line demagoguery, and there has been some of that on both sides.

I was particularly pleased to read in the Rosenthal column the comments by a highly respected economist Felix J. Rohatyn. He said in a speech at Wake Forest University:

The big beneficiaries of our economic expansion have been the owners of financial assets and a new class of highly compensated technicians working for companies where profit-sharing and stock ownership was widely spread.

What is occurring is a huge transfer of wealth from lower-skilled middle-class American workers to the owners of capital assets and to the new technological aristocracy.

As a result, the institutional relationship created by the mutual loyalty of employees and employers in most American businesses has been badly frayed. . . . These relationships have been replaced by a combination of fear for the future and a cynicism for the present as a broad proportion of working people see themselves as simply temporary assets to be hired or fired to protect the bottom line and create "shareholder value."

Mr. President, I ask that the Rosenthal column be printed in the RECORD. The column follows:

AMERICAN CLASS STRUGGLE

(By A.M. Rosenthal)

When the Republicans took over Congress in the November election, I didn't take it hard. I voted for candidates from both parties, so I told my Democratic friends not to go into mourning. After all, shifting control of Congress once every few decades was not exactly destroying democracy.

But I began to get nervous when I heard Representative Newton Gingrich boast that he was a revolutionary, the only one around.

Myself, I think the first American Revolution was carried out well enough to be the last. Any major-party leader who prattles about being a revolutionary strikes me as

stunningly insensitive to the havoc that revolutions cause, especially when they are rooted not in oppression but in the brain of a politician afloat in self-esteem.

I still give him the benefit of the doubt; put the revolutionary talk down to a boyish pose. But sometimes a pose creates a result a young fellow might not foresee.

The fact is that the ambitions of the Newtonians, their lust for the quick, dramatic change and their deep fascination with themselves do have in them the makings of one important ingredient of revolution. That is class struggle.

Done carefully, with each Federal program to be sliced examined with the caring attention that we usually save for our own self-interest, much of the Contract With America could be of benefit.

But absent that tenderness, the program is turning into more than Americans who voted for it might want. They expected to save some government money spent on other Americans, give bureaucrats the scare of their lives, and have a good housecleaning.

But I doubt they expected the slash-and-burn campaign the Republicans have mounted against so much of the economic and social safety net created by Republican as well as Democratic administrations since World War II.

What's more, all this is going on when a particular kind of economic expansion is also taking place. Felix G. Rohatyn, senior partner of Lazard Freres, described it in a speech at Wake Forest University last week:

"The big beneficiaries of our economic expansion have been the owners of financial assets and a new class of highly compensated technicians working for companies where profit-sharing and stock ownership was widely spread.

"What is occurring is a huge transfer of wealth from lower-skilled middle-class American workers to the owners of capital assets and to the new technological aristocracy.

"As a result, the institutional relationship created by the mutual loyalty of employees and employers in most American businesses has been badly frayed. . . . These relationships have been replaced by a combination of fear for the future and a cynicism for the present as a broad proportion of working people see themselves as simply temporary assets to be hired or fired to protect the bottom line and create 'shareholder value.'"

All right, put this attitude toward workers as disposable together with "slash that net." Target people on welfare wholesale, take important aid programs from immigrants, legal or not, put Medicare on the cutting board and hint that Social Security will be next. Reduce money for narcotics therapy, summertime jobs for youngsters, health care and other parts of the net created over the last five decades. Cut very deep, very fast.

Inevitably Americans who find themselves poorer or more frightened, with nothing between them and the ground, will look to business, a big beneficiary and supporter of the cuts, to erect a new net.

Too bad for them. Mr. Rohatyn warns that it won't work, that being the social safety net of last resort is government's business, which makes two of us.

So: If they destroy too much of the government safety net, Republicans will be loading business down with a job it cannot do, with working-class expectations it does not want to meet and cannot.

As a bleeding-heart conservative, I believe that will be not only the prescription for class struggle but the beginning of its reality.

Class struggle does not automatically bring revolution—real, not sound-bite. But in 1932, President Roosevelt understood the

danger of economic class struggle, and moved to overcome it and save capitalism. Left unrecognized or ignored, class struggle creates divisions that can undermine society—any society.●

THE 1995 NATIONAL DRUG CONTROL STRATEGY

● Mr. D'AMATO. Mr. President, I rise today to speak on the subject of drugs. The Office of National Drug Control Policy [ONDCP] has now released its annual National Drug Control Strategy, dated February 1995. I regret that this strategy continues in the direction established in the 1994 strategy, a direction I strongly criticized at the time. The administration has produced another deeply flawed document that will not advance the war against drugs.

In this document the administration outlines its priorities for dealing with illicit drugs. The document extols treatment and prevention as the primary tools in combating the drug problem. The strategy never addresses interdiction. It stresses policy changes to enhance the administration's demand side approach to dealing with the flood of foreign illegal drugs entering the United States, rather than enforcement efforts.

The document is 150 pages long, with a 45 page long lost of consultants. The strategy frequently contradicts itself from one chapter to the next in its interpretation of its findings, whether the findings were based on surveys or medical reports. This strategy provides an overinflated justification for expanded treatment and prevention efforts, without ever dealing with the underlying problem of the ease with which illegal drugs can be obtained.

Furthermore, this document attempts to distinguish between the drug user and the drug dealer, claiming one is a public health problem while the other is a criminal. The truth of the matter is that both using and dealing are criminal violations and the dealer could not exist, much less profit, without the user. Drug dealers can only be arrested by working through drug users. Therefore, enforcement efforts against users should not be curtailed, but instead reinforced.

Some of the contradictions contained within the report are serious. The report begins with a strategy overview which would lend the impression that enforcement was going to be a major theme in the strategy. This does not turn out to be the case. Under the section entitled "Principles for Responding to Illicit Drug Use", on page 10, the report states: "To ensure the safety of our communities, certainty of punishment must be promoted for all drug offenders—particularly young offenders. All offenders must receive appropriate punishment when they first encounter the criminal justice system." This theme is further advanced on page 12, section entitled "Action Plans for Responding to America's Drug Problem" where it states "Use the authority of